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Intercollegiate Debates

(Vol. III)

A YEAR BOOK OF COLLEGE DEBATING

WITH RECORDS OF QUESTIONS AND DECISIONS,
SPECIMEN SPEECHES AND BIBLIOGRAPHIES

MISSOURI — OKLAHOMA — IOWA WESLEYAN — ILLINOIS WESLEYAN — WILLIAM JEWELL — DRURY — MONMOUTH — WILLIAM AND VASHTI — MORNINGSIDES — OTTAWA — DENISON — NORTH-WESTERN OF NAPERVILLE — CENTRAL UNIVERSITY — SIMPSON

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PREFACE

THE aim of this book is twofold: to present in as complete a form as possible, specimens of intercollegiate debates on the more popular present-day questions, and to record in the interests of debating the names of the schools doing forensic work, the names of their coaches, the questions discussed, the decisions, etc., for the year 1911-12. The first part of the book fulfills the first object; the appendixes the second.

In presenting these debates in complete form, a word might be said for the use of them. There is always a legitimate use of material and an illegitimate one in the preparation of a debate. These debates may be useful in the same way that a magazine article may be useful — as sources of information; bibliographies are given also for this purpose. They should be helpful also as examples of how good debaters have boiled down material and put it into shape. They should be valuable in giving any reader a quick, comprehensive grasp of the situation on both sides of some important present-day questions. It is not expected that any debater will deliberately copy these debates in the form here presented, or quote them as authority. Any attempt to do so should be exposed and denounced immediately by opponents. Some teachers may fear that they will be copied for class work. The remedy for this is oral work; *i. e.*, extempore speaking with a minimum of notes. Any student bringing

up committed work should be readily discovered by any teacher of public speaking who knows his business, and it is his own fault if he tolerates it. Training in extempore speech is, after all, the only way to develop ready debaters, and this prevents an improper use of these specimens of debating in the class room.

The editor has marked with pleasure the interest taken in this work by instructors and debaters all over the country. It is evident that only the willingness of the many to co-operate has made this publication possible. In order to gain the reports necessary for the year-book feature, blanks were sent out to about three hundred colleges and universities for the purpose of gathering statistics and records. The response was generous, and the editor wishes to thank publicly all those who returned the blanks filled out. The editor wishes to acknowledge a deeper obligation to the contributors of speeches and debates included here as well as to contributors of material which, mainly for lack of space, has not been included in this volume. Of the latter class, we are especially indebted to the following:

Mr. Sidney M. Bedford, Denver University, Conservation.

Mr. Herbert E. Chandler, Washburn College, Commission Government.

Prof. Chas. H. Woolbert, Albion College, Commission Government.

Prof. Wm. E. Jones, Iowa University, Commission Government, Open and Closed Shop, Income Tax.

Mr. Robert T. McCluggage, Fairmount College, Initiative and Referendum. To those who offered to send in debates — and they are too numerous to mention here — the editor is also grateful.

It is no small task to collect and edit material for such a book as this, and an immense amount of work was done by the coaches and debaters in preparing material for which no adequate return can be made unless, perhaps, such return lies in the satisfaction which comes in seeing a task done, and in feeling that one's school is represented in the latest work on debating. In behalf of these men the book is christened and launched in the name of, and for the welfare of, Intercollegiate Debating.

EGBERT RAY NICHOLS.

Ripon, Wisconsin.

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INTRODUCTION

I. PURPOSE OF THIS BOOK.

THINKING perhaps that you are one of those who avoid prefaces with religious fervency, I take this opportunity of restating to you the purposes of this work. The chief aim has been to make this a year-book of debating for the school year of 1910-11. In compiling the work two things have been kept in mind: (1) the collection of suitable intercollegiate debates on present-day subjects, together with bibliographies, and (2) the tabulation of debating records of the various schools and their organizations. It is evident that the first object owes much to "Intercollegiate Debates," by Mr. Paul M. Pearson, Volume I. of this series, as the publishers regard it. The difference between the present book, Volume III., *Intercollegiate Debates*, and Volume I., lies in the fact that here fewer subjects are included and that the debates are printed for the most part in full instead of being summarized or briefed. The present work deals with several new subjects.

As for the second object of this book — the compilation of a debate record — this is a new and supplementary idea. The occasion for it lies in the growing importance and popularity, in this country, of debating as an intercollegiate activity. This part of the work furnishes an alphabetical directory, by states, of schools engaged in debating, with names of coaches or debating officers, and is calculated to

do for debating what the Spalding Guides have done for the much assailed and belied, much reformed and retried, game of football. As intercollegiate sports have evolved by frequent criticism and change, so debating from year to year has been, under the direction of critics and coaches, gradually moving toward newer and more efficient methods. The growth and popularity of the triangular system, with its affirmative and negative teams at each school practising against each other, is but an instance of this. The dual meet, in which two schools match affirmative and negative teams against each other on the same evening, has arisen in like manner to meet the demand and the conditions. And last of all has arisen the dual meet in which the teams prepare both sides and then cast lots for affirmative or negative side a few minutes before the debate begins. Procedure according to this last "new idea" may not become the general practice soon — the college debating world is far from being ready for it — but it is the ultimate goal. And just as a year-book of debates, such as the present one, could it have been written ten years ago, would have marked the university system of rebuttal for every man as "a new thing" and would not even have mentioned triangulars — in another decade, if the year-book system should be maintained, the present book will be found antedated, superseded, or long since heaped with the discards.

It is the duty of the present book, however, to reflect conditions in debating as they are, and to meet the needs of debaters at the existing stage in forensic affairs. These needs have been well stated by Prof. Pearson in his introduction, and as the same principles underlie both books, they need not be restated here. It is the hope of the editor that the debates given here may be found helpful to both

student and teacher in getting a foundation of the two sides of a debate mapped out clearly and quickly, as a source of information, as a guide to further research, as an example of how the thing can or ought to be done, and as a standard set up to be attained or surpassed. No claim is made for supreme excellence in this book, as the debates have been chosen by subject. It is the opinion of the editor, however, that the Harvard and Chicago University debates on the Income tax (Intercollegiate Debates, Vol. II.) are above the average and quite worthy of study by students inquiring into the art of debating.

II. METHODS IN DEBATING.

The editor has neither the space nor the desire to make this introduction a treatise on debating, but there are a few things which might be said, with profit, doubtless, to all. After going through the trials and tribulations of compiling this book, a few things are found indelibly impressed upon the mind. There is more madness than method in the conduct of debating affairs in many of our institutions of learning. Debating, although it has come to stay, has not been placed on a firm foundation. Lack of scholarship, of accuracy, of logical thinking, and an immense amount of carelessness and wasted energy characterize it. In most cases this is occasioned by a lack of method or by the absence of a true conception of what a debate should be or of what is demanded in a given instance. As a rule a debater does not plead his case; he states it. His end is conviction, not persuasion. The judge is supposed to base his decision upon the merits of the argument, not upon the merits of

the question or of the speakers. The foundation of the whole thing is the mental attitude which the debater must take. Having determined this, that his end is conviction on the part of his audience, the speaker is ready for the methods of obtaining it.

Three methods are used at present. (1) The debaters, after considerable study of the question, write down their arguments carefully, using practically all of their time for what they call constructive work. The speeches are then committed and rattled off in vain endeavor to comply with the limitations of time placed upon each speaker. Only the second speech is given to rebuttal or extempore work. This method is by far the most generally employed, and is for the most part successful. The difficulty is that the real debate lies in the shorter speeches, which are most often considerably weaker in argument and construction than the polished efforts. Besides the unfavorable contrast between the two speeches of the same debater, this feature is often evident. The debaters in their prepared work are shooting like Spaniards at no mark in particular as far as the audience can see. At least they are not answering each other, but, rather, barking — each one for his own particular side-show.

Recognizing the difficulties in the foregoing method, some enterprising coaches and debaters have attempted a second method; that of speaking entirely extemporaneously upon a basis of previous preparation, using, perhaps, an outline. This gives an opportunity for shifting and changing arguments to meet the situation. It requires, however, men more skilled in platform work than the average of college debaters. There is a difficulty in the fact that even experienced men do not think logically always upon the platform and often leave out the best argument, the vital one. If

one can do it, the outline way is the ideal way, but few college men are willing to attempt it when the result of an important contest is at stake. As a matter of fact, when the first method is employed, the judge usually decides the debate upon a basis of rebuttal, so this second method, which is really debating, might as well be used, provided that both teams do it. Against polished committed work, the extempore speakers are obviously laboring at a disadvantage. This second method has a minor defect, no records of an extempore debate are kept. The men are usually too inactive after a contest is over to leave a record of their work in the college library. This is too often true when the speeches are written out as in the first method. The college has a right to these records, and it is to be hoped that a greater disposition to keep them will be aroused by the publication of such a book as this.

The third method, illustrated by the Chicago University debates, is a combination of the other two, and seems to be most in favor at schools where the best debating is done. Part of the constructive speeches is prepared carefully as in the first method. A considerable margin of time is reserved, however, for preliminary rebuttal at the beginning of each speech. This enables the speaker to meet opposing issues squarely, and to give some semblance of mental alertness and argumentative power. It implies a training in delivery that will conceal the transition from extempore speaking to committed work. Certainly the ideal is the same for both kinds of work, but to get the student to arrive — ay, there's the rub. "You can lead a horse to water but you can't make him drink." You can feed the student "grape-nuts," but you can't make him think. Allow him to commit, and from his point of view, you have obviated

the necessity of thinking. Of course this objection also strikes the first method, but a contrast within the speech between the two kinds of work is worse than between the two speeches of the same man. "Canned" thinking is a big difficulty, there is no getting around it. The remedy surely lies in extempore work in the class room, in training, and in the ultimate adoption of the second method — except, of course, in those cases where the student has acquired the power of recreating committed thought and delivering it in a natural and spontaneous way. It is only when college debaters have acquired the power of ready and effective extempore speaking that we may toss the coin for sides five minutes before the debating begins.

III. PREPARATION AND TRAINING.

From the foregoing it will be seen that the author favors class-room work in extempore speaking, yes, even impromptu speaking, also training to rethink vitally work that has been committed. He has been told that this is all a mistake, that it furnishes a "snap"—a "soft snap," if you please, for the student who expects to "stall around" and "bluff." This is true to a certain extent, but the bluffer deceives no one unless it is himself, and he isn't responsible for the grade sheet. Many professors insist upon "Argumentation" rather than oral debate, and install dry text-books, require a few briefs, a few written arguments (to be sent back later with red ink oozing from every pore), suspect plagiarism if there is nothing to correct, quarrel at Ringwalt's Briefs, bemoan the propensity of their students for losing debates to the rival college when the real test comes, and finally throw over the work as a bad job. Most certainly it is. Debaters

are not ground out in this sort of a grist mill. Good work requires thinking on one's feet with the voice, not the pen, as the medium of expression. No man ever learned to swim without getting into the water, or to write without putting some marks on the paper, and likewise he will not learn to speak without speaking. Practice under the direction of a teacher is certainly the better way to learn speaking. If that is not possible the debaters of the school should band together and speak before each other regularly. They should criticize each other, too. But even then, better a few faults than the inability to "think on one's feet." The college man who wants to be a speaker should never lose an opportunity to speak even if it is to empty chairs.

The editor does not mean to disparage text-books or written work in the study of argumentation and debate. A knowledge of the theory of the thing is desirable, but it is never all sufficing. Written work is necessary, for it is a great aid in cultivating the power to think. It is not, however, always conducive to spontaneous thought; and there is a great difference between the studied article and the spontaneous. If there is a criticism upon the usual class training and the lecture method, it is that almost all the student work required is written. At least a part of it should be oral.

No course in argumentation, then, is really performing its true function which does not train men in extempore speaking. The ordinary recitation period does not usually afford enough time for a debate, or for many speeches of length from students. The suggestion is here made that two recitation periods be combined and the entire time given over to debating and critical comment upon the work of each speaker. Discussion after a debate will be found

valuable. A third hour in the course may be given to a study of the theory of debating and argumentation, briefmaking, etc. This plan has been used successfully in several schools.

As to individual preparation, the student will find the card catalogue "habit" a fine thing to cultivate. In taking references, or after copying down a significant statement on either side of the question, the student should be sure to get the author's name, his position if it can be determined, the exact title of the article or book, the exact page, the exact volume, the time reference if it is a magazine and the publisher if it is a book. There need then be no fruitless search at some later time for the thing "you thought you saw, but can't quite just remember where." It is easy to be careless and neglectful in the haste to get the quotation; it never pays. Exactness, careful scholarship — the kind which completes the thing the first time over it — is the kind that wins because it spells "efficiency."

It is a good idea, too, to sum up every article read in addition to taking references and making citations. A card of this kind falls readily into the catalogue of the subject. Time is saved in the long run by this careful and painstaking work. A card system is best, also, for the notes held in the hand while speaking. The note-book with lead pencil scribbings scattered here and there is prehistoric and antediluvian. Moreover, the debater should be watching his audience rather than fumbling a note-book in a vain endeavor to read it upside down. If a speech is written out in full, each quotation should have its reference (exact page and volume, etc.) in parentheses or brackets. Often it is a good idea to put the source of an argument in a foot-note or marginal references. These are all little things, but they make for scholarship, for permanent value in the work, also

for efficiency on the part of the man who observes them. Debates have been won by just such little things.

An incident showing the force of little things occurred in the Central Bank debate, between Ottawa University and the College of Emporia, the affirmative of which is included in this book. Mr. Jesse Elder and Mr. Wayne Gilliland, of the Ottawa team, although completely surprised by the attack of their opponents who staked the entire debate upon the definition of the Central Bank and were seemingly carrying their point, were able to save their side from defeat by resorting to their card catalogue and producing a legal definition of a bank fortunately taken from a U. S. Document at some stray moment in preparation, and by producing a quotation from the Associated Press bearing directly upon the point at issue, the status of the Aldrich plan.

A second important thing in individual preparation, and this goes beyond reading and note-taking, is to be ever on the lookout for some new point of view, for some new turn in the argument, for something which will catch the other side off guard. The science in debating lies here. Any one can do the reading and pile up the reference cards; it takes the skilled workman, the thinker, to arrange the arguments, to determine the point of view, to evolve something new. Here is the point in debating where the coach enters — and sometimes, perhaps, he goes too far. The tendency of the coach to do too much of the preparation has led a number of institutions to abandon the coaching system altogether. The same result follows that follows in football; science, thinking, wins over “beef and brawn” almost invariably. Abolishing the coaching system is considered rather too drastic in most quarters, for the coach can eventually direct

legitimately the analytical ability of his debaters. Because in most cases, he does do so the coaching system will probably be retained.

A third thing in individual preparation—and it applies also to the finished debate — is the necessity of strict honesty in the use of materials, quotations, etc. True debating lies in the interpretations of the facts, or in the inferences drawn, not in a statement of the facts themselves. The man who misstates a fact or warps it maliciously does not have the true conception of debating. He also lays himself open to exposure. It is the man, however, who purposely draws false inferences and twists the statements of authorities to support them who is the insidious offender. He probably considers it just “bluffing.” “Bluffing,” which consists in the misuse of quotations and authorities, although it often passes without discovery, is downright dishonesty no matter how euphoniously you disguise it. The reader is here referred to the preface of this book again, for ideas on the legitimate use of the present volume.

As an aid to the teacher of argumentation and debate, and to the student in his general preparation, a list of books on argumentation and debating is given in Appendix IV. Credit for this list — excepting several additions made by the editor — should go to the extension department of Kansas University.

IV. CHOOSING DEBATERS.

Various methods are used at present in choosing debating teams. The more prominent ones are: primaries, or preliminary try-outs, choice by literary societies within the school, and choice by the coach or faculty.

The primary system should be recommended most highly for the following reasons: It gives every man a chance

(in other words, it is democratic); it is fair, for it gives no chance for favoritism or school politics; it makes every man work for his place, and is most likely to result in a choice of the best men. Where two or three preliminaries are held for the purpose of eliminating men, and there is a sharp contest in the finals, this is the best plan. Obviously, the coach is the most interested man, and if conditions are right should be one of the judges, or should be allowed to pick the team without a final trial. The coach and the men should determine the mode of choosing at the outcome.

The argument for the choice of debaters by literary societies is that all factions should be represented, and that students are quick to estimate each other and will choose capable men. What if one society have three or more men more capable than any in the other society or societies? Undoubtedly they would win in a primary with judges. The choice, then, by organizations, in order to represent all interests, is calculated to prevent this very thing, and may keep some of the best qualified men off the team. The petty jealousies of school organizations should have no place in intercollegiate activities. Some schools would have a better record if this statement were a platitude of action rather than of words. Some allowance must be made for local conditions, certainly, for at some schools the choice by societies has been fair and has obtained favorable results. Nevertheless, the primary would have insured these things. Appendix II. will give a comparative estimate of the methods employed in choosing teams

V. CHOOSING JUDGES.

The squabble over the choice of judges manifest once in a while in preliminaries is, unfortunately, sometimes carried

over into intercollegiate relations. It should be a point of honor in any school not to choose a judge from its own alumni roll, from the list of "former professors," or from its own religious denomination. If this principle were observed it would avoid some embarrassing situations and "strained relations." Sad to say, some schools will bear watching, and they are not all Methodists, either. A few schools are keeping a card index of judges, noting all important facts about them together with a record of their previous decisions. Since judges must often be chosen at the eleventh hour, this shrewd device has a decided practical value.

The editor has three opinions to offer on judges. A debating coach from a neutral institution is always the best choice, for he possesses the right point of view, sympathy with the work, and usually has the ability to see both sides of the question. He understands the placing of arguments and knows when a thing is well done; in fact, he understands a lot of things that other judges overlook. All judges are more or less honest no matter how dubious this statement may seem to the losers, but a debating coach's honesty is usually most justly applied. He seldom indulges in prejudice. All other judges do, more or less, without knowing it. Certainly they do not mean to, but "as the twig is bent the tree's inclined."

A lawyer, who is, perhaps, the best second choice for a judge, is always more or less moved by legal technicalities, and by appeals to the "constitutionality of the thing." He is usually a good judge if constitutionality or the legal status of the question is waived, for he understands the value of arguments.

Professors in various subjects and ministers are in the third class. There isn't much choice here, unless you are

choosing a man in whose special province your question lies. Then look out for pet theories, etc. If the man is fair minded, and doesn't ride hobbies with enthusiasm, he should be a first choice because of his knowledge of the subject. If he is found to have the subject prejudged and is prejudiced, he is a last choice. In this case the debaters had better trust the first impressions of a man whom they, themselves, instruct in the subject during the debate. He at least comes with open mind.

VI. DEBATE SUBJECTS.

In choosing debate subjects and in stating propositions care should be taken to get a question with two sides, something which has evidence for and against and is really debatable, rather than one entailing merely a conflict of opinion. The search for something new often leads the seekers astray. It is better to take a settled question, tested and tried by other schools or within one's own school than to jump in the dark at something new. A new question that is really debatable is assuredly best for original work, but at many of our schools the library facilities are poor for attempts of this kind. The triangular leagues deserve credit for what they have accomplished in gaining fair statements of questions. Appendixes I. and II. contain a number of questions stated as they have been debated at various schools. The table in Appendix III. will show the relative popularity of debating-subjects for the year 1911-12. Among the present year's new questions not included in the appendixes, are: Should nation-wide primaries be adopted? Should the American commonwealths adopt the judicial recall? Should the states provide an industrial insurance?

Should they give industrial pensions? Among those questions comparatively new to debating are: Should the states pass minimum wage laws? Should the short ballot reform be accepted? Should the states or the National Government control conservation? Control water-power rights? Should the Federal Government retain ownership of coal and mineral lands, etc.? Should the recall, for all elective offices except those of the judges and of the President and Vice-President of the United States, become a part of our political organization?

VII. STATUS OF DEBATING.

A glance at Appendixes I. and II. will serve to show the popularity of debating, and the list of schools and debating organizations given there is by no means complete. Out of a little over three hundred schools to which blanks were sent, only about one hundred and forty (approximately one-half of the schools engaging in forensic contests) sent in replies. Appendix I. names about thirty triangulars, three pentagonals, and two quadrangular leagues.

An examination of the records, where they cover a period of more than one year, (See Appendixes Vol. II.) will show some schools strong and others weak in forensics. Were the records more complete this inequality would be startlingly evident. For instance, Harvard defeats Yale as regularly in debate as she fails to do so in football. Pennsylvania has been rather successful; Michigan wins often in the Central Debating League, and Iowa leads in the Central Debating Circuit.

The high schools in various states are organizing leagues similar to those of the colleges, and many of the college

debaters received their preliminary training in interscholastic meets. The Kansas University Extension Bureau has organized by congressional districts a state interscholastic league, and last year held at Lawrence the final debate for state honors. This movement has, among other purposes, the obvious one of discovering and capturing the debating material for the university freshman class each year. The plan of the league will undoubtedly prove successful. A sharp contest over the high school men of promising forensic ability has been on in every state for some time, and, as has been the case in the contest for athletic men, will probably increase in vigor.

Unlike athletic struggles in many instances, debating has a tendency to awaken good fellowship between the men of different institutions, and is really becoming a telling factor in encouraging friendly relations between rival schools. Almost invariably a dinner, banquet, reception or some such function is given in honor of the visiting team. Quite often debaters from neighboring institutions attend, and the occasion becomes one of considerable collegiate and inter-collegiate interest.

The after-dinner speeches, the flow of wit at one another's expense, the toasts to opponents, the praise of opponents that courtesy dictates, the response that good breeding returns, all unite to make these annual meetings memorable, to build up friendship and fellowship, and — last, not least — to smooth the thorny pathway of defeat. All this is teaching college men to lose and win like gentlemen and good sportsmen — a result most salutary.

In this extension of courtesy and fellowship, Delta Sigma Rho, Tau Kappa Alpha, and Pi Kappa Delta, forensic fraternities installed in many of the universities and colleges,

have been active and inspiring factors. It is to be hoped that in more schools the men with debating interests may be found worthy of belonging to these organizations and that, in the case of the smaller colleges, men that are qualified may have access to them. These organizations besides furthering good fellowship, do much to dispel the erroneous old idea that only bookworms, grinds, visionaries, shabby enthusiasts, and frock-tailed haranguers indulge in debating work. In reality, debating is commanding the attention of the best men in many of our colleges and universities, and is fast becoming a popular intercollegiate activity. It is no longer a thing done in a corner, and interested audiences are greeting intelligent work with a great deal of enthusiasm.

THE COMMISSION FORM OF MUNICIPAL GOVERNMENT

*Iowa Wesleyan vs. { Central University
and
Simpson College.*

(Coed. Debate.)

The first year of the Iowa Girls Triangular was given to a discussion of the Commission Form of Municipal Government. Each school in the league lost and won a debate. Iowa Wesleyan, whose speeches follow, lost on the affirmative to Central University at Pella, and won at Mt. Pleasant from Simpson College, Indianola, on the negative.

Their question was:

Resolved, That All Cities Having a Population of Over 25,000 Should Adopt a Commission Form of Government.

The Iowa Wesleyan speeches were contributed by Mr. O. E. Behymer of the English Department, Iowa Wesleyan, in behalf of the debaters.

THE COMMISSION FORM OF MUNICIPAL GOVERNMENT

IOWA WESLEYAN vs. CENTRAL UNIVERSITY.

FIRST AFFIRMATIVE, MISS EDNA WARREN, '14, IOWA
WESLEYAN.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: It is evident to the most casual observer that the present municipal government does not meet the demands of the present day. Bryce says that the one conspicuous failure of American institutions is the failure of city government. Our citizens have realized this, and with the true American spirit of progress have been seeking plans to correct the mistakes which have caused this failure. In 1900 the city of Galveston solved the problem to her own satisfaction by adopting a commission form of government, and so successfully has this plan worked that cities all over the country have been adopting similar ones.

What is this commission form of government, and how does it differ from the present municipal plan? Its fundamental principle is centralization of power. It abolishes ward lines, party politics and the old division of city officers into legislative, executive and judicial departments. In place of this it substitutes a board, consisting of the mayor and commissioners, who manage

the business of a city just as a board of directors manage the business of any large corporation, who are invested with the powers of city government, and who are elected by the people of the whole city, but without any party designation, the personal qualification of a candidate, and not his party affiliations being considered. These men divide the duties of the city among themselves, usually into five departments: Public affairs, accounts and finances, public safety, streets and public improvements, and parks and public property. They then elect all the subordinate officers necessary to the conducting of the city business. The commissioners and mayor act as the administrative heads of their respective departments and also constitute the city council and as such legislate for the city. To counteract the exercise of so much power in the hands of a few men, the people are given the Initiative, Referendum and Recall, which holds the commissioners responsive to popular will. Furthermore, all meetings of the commissioners are public, and reports are published periodically from all departments. This publicity is one of the fundamentals of the plan.

Briefly, these are the elements of the commission form of government. But why, ask you, does there need to be such radical changes? Cannot the present form be bettered so that it will meet the requirements? Our answer is the record of municipal shame found in the history of all cities under the present form. When our forefathers, imbued with the principles of federal government, applied it to municipal needs, cities were few

and small, but the changed civic conditions which show fifty of our ninety millions of people living in cities, have proved that it does not meet the demands of the present day. It has failed because its basic principles are wrong. The supposed analogy between federal and municipal government does not exist, because the conditions which in state or nation make it necessary to have the three distinct branches are not found in the city. Almost all the causes of the present municipal failure can be traced to this false analogy. Roughly grouped under four heads, it has failed, because,—

1. Legislative and administrative work cannot be separated;
2. It is impossible to fix blame;
3. There are so many chances for graft;
4. It renders impossible prompt and efficient work.

Taking up the first point—that legislative and administrative work cannot be separated—it is only in theory in the present plan that these two branches are kept distinct. With the mayor at the head of the administrative department and president of the council, no distinct dividing line can be maintained, and as he is strong or weak, he may dominate either or both departments or be dominated by either department. The recent history of our cities shows innumerable examples of instances of where one department usurps the power of the other. The mayor of Philadelphia showed not long ago how far a man in that office could control the council and manage the legislative body. On the other hand, Mayor Busse, of Chicago, lately furnished a startling example of how

far a simple, but fairly honest, mayor may allow a corrupt council to direct administrative affairs. Since 95 per cent of the work of a city is administrative, the functions of city government are analogous with those of a business corporation rather than with those of the Federal Government, and the present municipal government, because it ignores this, has proved a failure.

Just as far as the duties and powers of the different departments intermingle, it is impossible to fix responsibility for mismanagement and corruption—the second reason for municipal failure. With a large body of councilmen, with a mayor with legislative, executive and judicial duties, and with various commissioners and boards, is it any wonder that the source of trouble is not easily located? Is it surprising that even honest, competent men, restricted by the complexity of such a system, feel little personal responsibility, or that incompetent officials are negligent and dishonest, when so many opportunities are given them to shift the blame and to carry on their graft?

This inability to fix blame leads to my third point—that under the present municipal system there are innumerable chances for graft. It is easy for officials to defraud the city and hard to convict them of dishonesty. Honorable Judges, so much municipal corruption is found in our city governments, that our worthy opponents will not deny its existence. But they may say, no form of government will change human nature. We admit that, but the plan that puts temptation in the way of its officials and removes publicity, is sure to be cor-

rupt. The very opportunities that it offers attract unprincipled men. It is Chicago that has most recently been before the public exposing her municipal shame, a shame that should make every thinking citizen ask how it is possible for such conditions to exist. Thirty millions of dollars were taken from her treasury by corrupt councilmen in less than three years. How was it possible to loot the city of such a sum? Here is an example:

Michael H. McGovern had a contract for excavating a sewer on Madison Avenue. After the work had begun, on his own declaration that he had encountered shale, he was allowed \$45,000 more than the specified amount. Truth of the matter was no shale existed, except in the minds of McGovern and his City Hall confederates. The soil was really a fine clay, and McGovern used it in making brick which he sold to the city.

That is but one example of the administrative policy when C. E. Merriam was elected to the city council. He had an idea that the city accounts would bear investigation, but he knew that there was no way in which he could get at them. It was only by the merest chance that he obtained an opportunity of examining the city's finance, and then it was with the understanding that he would make only a perfunctory report. Could conditions be more favorable for graft than to have men appropriate money for certain purposes, who do not have the opportunity of knowing how the money is used?

The fourth reason for the present municipal failure—that the present system renders impossible prompt and

efficient dispatch of business— is only too apparent. City affairs are not managed with business promptness, business economy is not used, and the city does not get the returns for its money that would be demanded by a business corporation. This is especially true in the granting of franchises and other public privileges, for it is almost impossible to secure regard for even ordinary business principles under the present method of dealing with them. Before the new plan was adopted in Des Moines, the city council let a contract for the construction of a large bridge. When it was finished it was found that no specifications had been made for approaches to the bridge and that the city did not even own the land over which they would have to be constructed.

It is mistakes like these that show the lack of business method in city administration. If the entire work had been under the supervision of one man, as in the commission form, such a mistake would not have been possible.

Honorable Judges, Ladies and Gentlemen, I have proved to you that our present municipal government fails, because,

1. Legislative and administrative work cannot be separated,
2. It is impossible to fix blame,
3. There are so many chances for graft,
4. It renders impossible prompt and efficient work.

SECOND AFFIRMATIVE, MISS MARY PHILLIPI, '14, IOWA
WESLEYAN

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleague has most clearly shown to you the evils of the present form of city government, and has also explained the plan which we advocate as a remedy for these evils. Why are we upholding this commission plan of government?

First: Because it eliminates partisan politics. Let us look at the present form of government in this respect. The system of voting which we now have is so complex that not enough attention can be given to the candidates, and men are elected by voters who do not know them. The mayor and the city treasurer are well known, but the minor officers are overlooked when campaign speeches are being made. Then, too, men will vote the straight party ticket, Republican, Democratic or whatever it may be, without inquiring into the fitness of the candidate. They only know he is a Republican. Why should city elections be dominated by party politics? The politics of a city are simply local and have little to do with national affairs. The city is a business organization. I do not mean to imply that because partisan politics should be banished from city administration the party system itself should be abolished. With the Short Ballot the more time can be given to politics, for the more complex and elaborate you make them, the fewer the people there are who will have time and energy to take part. Simplification, therefore, leads toward the rule of

many—democracy. The Long Ballot is the politician's ballot; the Short Ballot, the people's ballot.

Second: This new form of government wipes out ward lines. The ward unit of present system is the worst political unit known, breeding political patronage, party deals, corrupt elections. Elected as officers are from the different wards, they cannot have at heart the interests of the whole city. No matter how the ward lines are arranged, some wards will invariably elect weak, vicious or incompetent aldermen who maintain a nucleus of inefficiency and dishonesty which survives from one administration to another and nearly always shows a tendency to spread and increase. Take for instance the city of Chicago, where they have the stockyard district, composed chiefly of the saloon element, and then, on the other hand, the millionaires' district of residences. In the ward system each district is represented by a man in the council. Is it likely that a good man will be elected from the saloon district? In commission government ward lines are abolished and men do not necessarily have to be represented in the council from the different parts of the city, for the city is a unit and does not have the different interests that the state and national forms of government have. A man cannot be elected by the new plan unless he has made himself known before the public. He must not only be a good moral man, but he must be a good business man, one who is competent to run the affairs of the city. He is elected by the whole city. The greatest advantage in abolishing ward lines is that it chooses men

for what they can do and not for the district in which they are living.

If men of no prominence are barred from holding city offices, it naturally follows that my next point is true: namely, that a superior class of councilmen are attracted to office. American municipal experience demonstrates that wherever the number of offices was reduced and the power of the officials was increased, men of better caliber could be obtained. I am going to prove to you, in four distinct ways, why a superior class of men are attracted into office under the commission form of government:

1. The obliteration of ward lines,
2. The non-partisan primary,
3. The non-partisan election,
4. The provision for an adequate compensation.

Take the first reason, Honorable Judges. The ward system has furnished the security for corrupt public service corporation. It has produced that distinctive American type, the local political boss who, with a small coterie of active men, is enabled to dictate whom the nominee shall be from his particular district, electing men whom the community know to be dishonest and incompetent. When the official representatives of the city are elected at large, we believe that the people will become more deeply interested and that the representatives, instead of exercising their talent merely for the benefit of a particular ward, will be more particular in exercising that talent for the benefit of the whole city. I have spoken about the elimination of partisan politics.

Will men run for office under the new plan who are dishonest and incompetent? No. And why? Because men do not vote for them because they are from a certain party, but because of their worth. Perchance a man of no standing puts himself up as a candidate for a commissioner. He will possibly be nominated at the primary, but when he is put up for the real election, the representative people and the press will defeat him. Take, for instance, the example of the city of Galveston. The councilmen, before the operation of commission government, were a saloon keeper, a drayman, two wharf laborers, a negro politician, a journeyman printer, a butcher, a grocer, a broker and a political agent for a railroad that never existed except on paper. Do these men, Honorable Judges, appear to be a representative body? The commissioners under the new plan were, as mayor, a wholesale merchant; as commissioner on finance, a president of a bank; as commissioner of police and public property, a real estate man. Does this not seem to you, worthy opponents, an improvement on the old form? The salaries of the commissioners under the new form of government are adequate to make it possible, if necessary, for men to give their entire time to their departments. Under the old form an alderman in Des Moines received \$250 a year. Under the commission form the councilmen received \$3,000 a year and the mayor \$3,500. Do not these different reasons prove to you, Honorable Judges, that better men are brought into office under commission government?

By far the most striking and conspicuous merit of the

plan lies in its centralized character. Contrast the old plan with the new, if you will, and you will find that the ward government provides that the "mayor and council" shall perform the general service mentioned in the statutes. Nowhere is there provision for individual obligation. The enforcement of law rests with the "mayor and council," the streets are in charge of the "mayor and council," the supervision of revenues are entrusted to the "mayor and council." The best and most capable man has no greater opportunity to render good service than the most incompetent, for both are under the same restrictions. And where, then, is a failure? No citizen of the municipality is able to place the blame anywhere except upon the "mayor and council." Take the commission form, Honorable Judges, and look at it from this standpoint. This form of government requires that one commissioner shall be responsible for enforcing the laws and maintaining an efficient fire department; that another shall collect taxes and supervise the revenues and so on, and in this form of government, if there is a failure in any department, the commissioner is responsible for it, and cannot put blame on another man.

Now, as my worthy colleagues have advocated, city government is largely a matter of business management. Therefore, it demands an administrative organization that will be suitable for conducting business operations. The small number of men which the commission council is made up of is likened unto a board of directors who are able to transact business more promptly and efficiently than can a council of thirty to sixty men. Then, too,

take an instance where there has been some trouble with sewerage in a certain district. A man complains to the street commissioner. He says he is not responsible for the sewers, but that the council is because they appointed him. This man takes his complaint to the council. They overlook it, for it is a small matter to them. They may put it into the hands of a sub-committee, but it will be a week or two at least before the chairman of their sub-committee reports to the council for action upon the trouble. Unnecessary time has been given to this matter, where, if the commission plan of government had been in that city, the sewer would have been repaired immediately after the complaint had been made to the commissioner on streets.

You may all agree with me in the points I have proved so far, but you may say that we give too much power to the few councilmen. I shall meet the argument by saying that we have in the commission plan the Initiative, Referendum and Recall. The Recall, I will prove to you, prevents abuse of power. The power of a dishonest official to remain in office or the power to remain in office of one who uses his position in any way to oppose the best interests of the municipality is taken away by the wise provision of the Recall. No commissioner is entirely independent in his department, but continually has hanging over his head public scrutiny. The testimony of the mayor of Seattle, who was recalled, was, "I felt like I had been impeached." Honorable Judges, under the present system, no matter how corrupt or dishonest an official may be, he can go on wielding his

power till election. The Recall, therefore, not only helps to remove undesirable officials, but it also helps to keep weak ones from yielding to temptation.

Therefore, Honorable Judges, I have proved to you in six different ways the advantages of the commission form of government, namely: (1) by the elimination of partisan politics, (2) by the elimination of wards, (3) by being able to secure a superior class of councilmen, (4) by locating responsibility, (5) by promptness and efficiency in small numbers of men, and (6) by having a Recall to prevent abuse of power.

THIRD AFFIRMATIVE, MISS MYRTLE SAYLOR, '12, IOWA
WESLEYAN

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The commission form of government is the logical result of thorough study made by learned men who met for the purpose of studying the best way to put an end to the present cumbersome and complex system of city government. My second colleague has conclusively proved to you six of the superior advantages of the commission plan. I shall continue this by proving that:

1. It is a more economical system,
2. Prevents graft through publicity,
3. Provides for dealing with public utilities,
4. Quickens civic interest.

First: This is a more economical system. Under the ward plan, the city may, and usually does, run in debt for current expenses. Under the commission plan, the city cannot run behind, for any commissioner voting

money not on hand thereby forfeits his office. The commission plan is a "pay as you go" plan.

In Cedar Rapids the city has been put on a cash basis, pays its bills every Wednesday morning, taking a 2 per cent discount for cash. The bonded indebtedness has been reduced \$93,000 in three years. The city's net inventory during the three years has been increased from \$453,000 to \$879,000. The amount of public improvements during the three years has been more than during ten years previous to the commission plan. In Houston the credit of the city, which had been worth only eighty cents on the dollar, was restored to par. The tax was reduced from twenty mills to seventeen mills and the old debt of \$400,000 wiped out in eighteen months. Des Moines gained \$184,000 the first year over the previous year, and reduced the tax rate from 38.7 mills to 36.4 mills. Haverhill, Massachusetts, paid off a debt of \$61,000 the first year and had \$36,000 left, making a total gain of \$97,000 over the previous year. You ask the reason for this? It is business method.

Second: The commission form of government prevents graft through publicity. The secret of the success of the plan lies in the fact that the governmental power is taken out of obscurity and placed on a pinnacle of light where all the citizens can watch it. It provides a means of publicity not found in any form of ward city government. Section 15, of the Des Moines plan, typical of all commission charters, says: "The council shall each month print in pamphlet form a detailed, itemized statement of all receipts and expenses of the city, a summary

of its proceedings during the preceding month, and furnish printed copies thereof to the state library, the city library, the daily newspapers of the city, and to persons who shall apply therefor at the office of the city clerk. At the end of each year the council shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditures." With this clause, gentlemen, is it not evident that publicity of affairs is made to all the citizens? If they don't know about city affairs it's their fault and not the fault of the plan.

Section 11 also prohibits secret sessions. Mr. Lafe Young, in his Senate speech, says: "One of my principal objections to the present method of conducting the business affairs of cities is based on graft." Honorable Judges, in no commission-governed city has there yet been reported one instance of graft.

A third advantage of the commission plan is its provision for dealing with public utilities. The granting, or better, the stealing of franchises is taken out of the hands of city officials. The people of the city vote on all franchises. Section 12 of the constitution reads thus: "Every ordinance, franchise and contract must be open to public inspection for seven days before its final passage and does not go into effect for ten days thereafter." This transfer not only eliminates much of the bribery, but makes public utility the true servant of the people. Corporations in the past have succeeded in buying alder-

men and often the mayor, but they positively cannot buy the people of a city; the people do not bribe themselves.

All this tends to quicken civic interest. Cedar Rapids employed a civic improvement expert and turned the island in Cedar River from an eyesore to a beauty spot and a fitting home for municipal buildings, whereas the old regime failed utterly to abate the nuisance. This generates a desire for citizens to clean up their own property. Civic interest is not only aroused at election time, as is commonly the case, but is kept awake all year, for the citizens know they are to maintain the balance of power. The voter goes to the polls with more interest, for he has a share in the election of every councilman instead of two.

My opponents have challenged the democracy of this plan. Gentlemen, it has been heralded as a triumph of democracy from the Atlantic to the Pacific. Let us get right at the heart of the matter and find out what constitutes democratic government. Horace F. Deming, in his "Government of American Cities," says: "It is the fact that the government represents the governed; that it is conducted according to politics which conform to the prevailing public opinion; that the persons clothed with governmental powers are surely accountable to the people." I will show you that these essentials are found in commission government. First, he says, "Government represents the governed." The commission plan provides real representative government. Every citizen is represented by every member of the commission. He has a vote in their nomination and their election. Under

the ward plan every citizen votes for mayor and the council members from his ward. Take a city with six wards, for example. That means twelve councilmen. Every voter casts a ballot for one-twelfth of the total membership once each year and has no voice in the nomination or election of but two of them. What about the other ten? They legislate for the entire city; appropriate funds for the entire city; levy taxes upon every citizen. But the citizen does not have an opportunity to vote for even a majority of them. Whatever the intent might have been in the division of cities into wards, it certainly is an effectual bar to democracy.

Commission government remedies this evil. Every voter has an equal part in electing the councilmen and an equal claim upon their service. His influence, so far as the ballot is concerned, is just six times as great. It is apparent, Honorable Judges, that a form of civic rule which enlarges the exercise of franchise for every citizen cannot be characterized as a departure from the spirit of democracy.

Mr. Deming's second test of democracy is: "It is conducted according to policies which conform to public opinion." The Initiative, Referendum and Recall, which make it possible for public opinion to rule, are more radically democratic than the features of the old plan. The third essential is, "That the persons clothed with governmental power are accountable to the people." My second colleague has proved to you that responsibility is centralized and located beyond a doubt in commission government. Mr. Oswald Ryan, of the chair of politics'

science at Harvard, says: "Where responsibility is centralized there is no danger of a subversion of democratic institution."

My opponents have also said the plan won't work in large cities. Let me ask how do they know this? It has never failed in a large city. Therefore, their objection is only theoretical. Chicago has a council of seventy-four men, meeting at night perhaps once a week. Honorable Judges, it stands to reason that in the same proportion in which a city increases in size, so its problems increase in number and complexity and demand more time for solution. Cannot a council of five or seven men, free to meet every day, govern Chicago far better than seventy-four men meeting one evening a week? Mr. Hamilton says: "The responsibility of a council increases directly as the number decreases." I hear my opponents say, "Oh, shall five or seven men have all the power of Chicago?" Far from it. These five or seven men have the whole of Chicago to balance their power. Let me quote you Mr. R. T. Crane, one of Chicago's most prominent business men: "It may seem to be extremely radical to propose a commission government for Chicago. Yet, I am firmly of the opinion that with a mayor and six councilmen, together with properly chosen business managers for each department and with the added provision that the people could recall the mayor and councilmen, Chicago, big as it is, could be governed a thousand-fold better."

Honorable Judges, we have proved to you the fol-

lowing points: First, the present municipal government is inherently wrong, because,

1. It is based on Federal Government,
2. It is impossible to fix the blame,
3. There are so many chances for graft.

The commission plan will correct these defects without involving other and greater evils for the following reasons, which we have proved, because,

1. It centralizes power in one small body charged with responsibility, making possible prompt and efficient work,
2. Provides non-partisan elections,
3. Secures better men,
4. Provides a means of publicity not found in present system, thus preventing graft,
5. Provides popular control and real representation, thus making government democratic,
6. Can be adapted to large cities as well as to small.

SIMPSON COLLEGE vs. IOWA WESLEYAN

FIRST NEGATIVE, MISS MAE ALLENDER, '11, IOWA
WESLEYAN

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: In order to gain their point the affirmative must prove three impossible things: (1) That the commission form of government will correct the alleged defects without involving greater evils; (2) that it can be practically applied to all American cities of over 25,000; and (3) that it is the best known system of government

for such cities. It remains for us, the negative, to show simply the inexpediency of the commission plan for all cities of over 25,000. We shall do this by proving four principal points: (1) That the city is not analogous to a business corporation; (2) that the commission form of government should not be adopted on account of its inherent weaknesses; (3) that it will not and does not correct the causes of bad government; and (4) that the present system is adequate.

No form of government ever yet devised was perfect. There are evils under a monarchy, and evils under a republic. Neither laws nor forms of government can make people perfect. We fully admit that there are evils in the present system, but some of these you cannot change. They will creep into any system. Corruption is not peculiar to certain cities of the United States; it is characteristic of the age. It is a national evil; and the fault is not with systems of law, but with human nature. And here, Honorable Judges, lies the real germ of political disease. Some of the greatest men living have spent the best years of their lives rooting out evil; and it still prevails.

We, of the negative, do not deny that in the present system there are poor business methods, unjust election laws, lack of proper primaries, diffusion of responsibility, widespread corruption among officials, grafts; and also, that the interference of the state in local affairs is a hindrance to a free, local self-government.

But these evils do not show that the present system is wrong. The fault is not with the system, but the indi-

vidual citizen. The system is adequate. Those who uphold the commission plan claim everything for the system as if it would entirely revolutionize municipal affairs. They practically ignore the enlightenment of the individual. The remedy of these evils lies not in a change of government, but in a removal of the causes. It lies in a removal of the bad social and economic conditions; it lies in better business methods; in greater local self-government; in proper correlation of powers; and, most of all, in constant education. James Bryce says, in his book on the American Commonwealth, that in the development of a stronger sense of civic duty rather than in any change in the form of government lies the ultimate hope of municipal reform. And this is well illustrated in the cases of Harrisburg, Pa., and Minneapolis, Minn., which were both notoriously corrupt. A spirit of reform was aroused in these two cities, and now they both stand forth as examples of efficient government; and their systems have been unchanged. James Linn Nash, in an article in the *World's Work*, says, in speaking of Minneapolis, "Since that time a great change has taken place, and Minneapolis from being one of the most corruptly governed, vice-abounding cities in the country has become almost a model municipality." Now, Honorable Judges, unless there is some magic charm in the commission system whereby men and women may be changed into good citizens, the plan cannot work. Then it will surely fail, for you cannot make people good by legislation.

The affirmative assert that the city is analogous to

a business corporation and not of a political nature. The comparison is wrong in itself, and will not hold. I would like to ask the affirmative what else is a business corporation but an organized body, carrying out some corporate policy, Horace E. Deming says, in his book on government, "A corporation acting except in accordance with some corporate policy is inconceivable." A corporation must have a policy; if it does not, the state legislature will decide one for it. The policy of a business corporation is the private affair of individuals, and is for private gain; while the policy of the city is primarily and essentially public. Does a business corporation have the welfare and interests of the people uppermost in its consideration? Are there hundreds and thousands of women and children depending on a business corporation for their rights to be regarded and protected? Then where is the analogy? There is none. Honorable Judges, the whole proof of the question depends upon this one fact. Now, since the city is not analogous to a business corporation, the foundations for the commission form of government cannot be firmly established, and are, therefore, uncertain, because its promoters claim they are establishing this system upon a purely business standard. They may think they are. But what official, even though he claim to be non-partisan, will not govern his department according to his own notions and ideas? Is he not following out a policy?

The affirmative also state that they are standing for concentration of powers in a small body. We are stand-

ing for concentration of powers, too; but we would have them properly correlated. At any rate we would not vest the legislative and administrative powers in one body. Then, since the commission plan combines the legislative and administrative powers, the affirmative are standing for fusion of functions, and not concentration of powers. And the affirmative must admit that proper correlation of powers has been successful as far as mere organization is concerned. The affirmative are proposing to do away with the very thing that has made America so prosperous and "to abolish at one blow the working principle of successful organization in Germany, England, Canada and innumerable cities in America."

They would destroy the system of checks and balances. And what system has been more successful in promoting honesty and in creating a healthful competition? At least why abolish a system that has worked so well for 122 years for a new untested experiment of ten years? It only shows thoughtlessness and the American desire for innovation. Why not begin to praise and extol the present system as they have been doing the commission system? There would be equal excitement. The same watchfulness would be cast upon our councilmen and mayor as would be cast upon the commissioners. Any system may work well as long as the officials know that they are watched closely. The councilmen of the present plan are not watched closely, and they know it. People are giving too much attention to private concerns, and our civic interest has become enfeebled. It only needs to be rejuvenated.

We, the negative, offer no common form of government for all cities of over 25,000. The idea is absurd. Why should Boston be subject to the same laws as San Francisco, simply because she has a population exceeding 25,000?

I renounce the plan at once chiefly because of its inherent weaknesses, which are principally three: (1) It is un-American; (2) it effects a dangerous concentration of powers; and (3) it does not insure more efficient government.

It is un-American because it is unrepresentative and because it combines the legislative and administrative powers. Of course, the affirmative will contend that the commission system is representative since each commissioner is elected by popular vote. But I shall give you one instance, which is characteristic of a great many, to show that the new system is not representative. In Cedar Rapids, which is naturally divided into two almost equal sections, the east and west, and where the Bohemian-American element numbers one-quarter of the population, only one commissioner of the five was chosen from the west side, while the Bohemian-Americans were not represented at all.

Then again, the new plan represents a dangerous concentration of powers because graft can be carried on much easier on account of the large powers and the small body of men. This is shown by the election in Des Moines in March, 1910, when all the members of the old city council were reelected, except John L. Hamery, the vice crusader who had smashed the red light

district. Behind the election of Wesley Ash were those in favor of a wide-open town. And, another instance—it has invariably been found true that where one commissioner decides negatively upon a petition, the other commissioners vote favorably to his decision. Now, suppose the street commissioner should decide upon paving, especially in a district where the people were unable to pay. The other commissioners would not stop him, and the Initiative would be of no service here, because you could not get the attention of 25 per cent of the voters directed upon a question which did not personally interest them. Their civic sense is too dead.

The commission plan does not insure greater efficiency, because it does not procure more efficient men. At least, it cannot procure specialists. One of the first commissioners in Des Moines was an ex-policeman; while the others were men of just common ability. And this has been the case in every city almost without an exception. And I would like to ask you how successful would the average groceryman, ex-policeman, or blacksmith be in the department of health and sanitation?

Honorable Judges, I have proved to you that the present system is adequate, that the fault lies with the individual citizen, that the analogy of the city to a business corporation will not hold; and that the commission system is defective on account of its inherent weaknesses.

SECOND NEGATIVE, MISS ETHEL SAUNDERSON, '14, IOWA
WESLEYAN

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleague has proved that the commission plan should not be adopted in all cities of over 25,000 inhabitants because, first, the analogy of the city to a business corporation will not hold and, second, the inherent weaknesses of the plan make it dangerous to our government. We purpose to show further that the commission plan should not be adopted because it does not and will not remove the real causes of bad government without involving greater evils the causes of which are, (1) bad influence of party organizations, (2) inefficient legislation and administration, (3) graft, (4) bad social conditions of the city.

We shall prove, first, that the commission plan does not remove the bad influence of party organizations. My honorable opponents claim that it does this by eliminating from the government of the city all party organizations; but unless some form of government be devised for the state, yes, even for the nation, by which all party organizations are entirely eliminated, the influence of these organizations is bound to be felt in the city government. It would be rash to assume that political organization could never find means to get control of public offices under the commission plan. Oswald Ryan, of Harvard University, in an article entitled, "The Commission Form of Government," says in respect to party organizations: "It has been said that whenever

an office has been made more important through the addition to it of more power, party machines have redoubled their efforts to control it, with the result that partisanship in municipal elections has not been diminished."

At the election in Des Moines the high salary provided for in the bill; viz., \$3,500 for the mayor and \$3,000 for each of the four commissioners, brought out fifty-four candidates for the four offices of commissioner and seventeen for mayor, although the promoters had claimed that the high salaries would eliminate undesirable candidates, forgetting in their zeal that a high salary is just as attractive to a corrupt politician as it is to an honest man, and that the former will resort to more questionable means to obtain it.

Even the non-partisan election provided for under the commission form of government need not hinder the corrupt politician from obtaining office. What if no party designation is placed after his name on the ballot? His political friends who go to the polls to vote know for what interests he stands, and that is sufficient. We do not claim that such corruption cannot and does not take place under the mayor and council system, but we do contend that one corrupt councilman among the seventy-four in the city of Chicago is a much less dangerous evil than one corrupt commissioner among five would be.

Furthermore, Honorable Judges, it is practically impossible for the commission plan to secure an absolutely non-partisan election in large cities. The candidate in

the large city finds it practically impossible to get the ear of the electorate for being elected by the city at large, the number of voters to be addressed is extremely great. He is, therefore, compelled by necessity to resort to the plan of building up an organization to promote his candidacy. But the political specialist backed by the machine stands an excellent chance of success. Therefore, Honorable Judges, is it not plainly evident that it is practically impossible for the commission plan to secure absolutely non-partisan elections in large cities and, further, that this form of government does remove the bad influence of party organizations?

Second, the fusion of all powers in the commission does not remove the causes of inefficient legislation and administration. What has been the cause of inefficient city legislation in the past years? State legislation in matters of purely local interest. My honorable opponents will agree with me on that point. But can they prove that the commission plan removes this evil of city government?

We, the negative, contend that the commission plan will encourage the state legislature to further intervention in local affairs. Since the state has always been opposed to granting extensive legislative powers to a city in which the legislative function is distinct and separate from the administrative, will it be any more inclined to grant such power to a city in which the legislative feature is not deemed important enough to be made a distinct and separate function?

The advocates of the plan lay undue emphasis upon

the administrative character of the municipality. As the city grows and conditions change questions relating to the development and internal administration of the city will arise, which must be the constant subject of legislation. Who should look after those interests?—the state legislature or the city itself? Is it possible that five men or even nine men, whose time is largely taken up with the administration of a city, would have sufficient opportunity to discuss such complex questions as arise in a city having a population of 4,500,000, as has New York? New York has as large a variety of wants as fifty-three cities the size of Des Moines. But even Des Moines does not seem to have very extensive legislative powers. At the last session of the state legislature the city of Des Moines introduced a bill asking that it be granted the right to own its street railway system, but, unfortunately for the city, the state did not feel called upon to grant this right.

We contend for the restoration to the city of its proper legislative powers. This is the only wise and proper means of securing municipal legislation, and it is not necessary or advisable to adopt the commission plan to accomplish this result.

Having proved that the commission plan will not remove the cause of inefficient legislation, I now propose to prove that it will not remove the causes of inefficient administration without involving greater evils. My opponents will agree with me again that the cause of inefficient administration is poor business methods. We agree that the commission plan removes in some meas-

ure this cause of improper administration, but by doing so it involves far greater evils. There is a potential element of danger in fusing the legislative and administrative jurisdictions. The commission is given power to make laws and enforce them, to create offices and fix the salary, and to appropriate money and spend it. Honorable Judges, I challenge anyone to prove that such a government is democratic in principle, that it is in accordance with the American idea of government.

If the advocates of the plan are going to place such an enormous amount of power in the hands of such a small number of officials, they should subject that commission to the criticism and control of a reviewing body which could examine with impartiality its proceedings.

Why subject the government of the city to these greater evils? Why change the system to remove the causes of improper administration? The reforms which the commission advocate are not peculiar to that system. They are in use in many cities under the present form of government. Therefore, Honorable Judges, we would remove the causes of improper administration by reforming the old system, and we further contend that the commission plan does not remove these causes without involving greater evils.

Third, the commission plan does not remove graft. Graft is an evil that must be fought under any form of government. But the causes of graft, which are a lack of uniform systems of accounting, publicity of proceedings and lack of proper primaries, may be and are being removed in many cities without a radical change of sys-

tem. Mr. Ryan says, "Should public sentiment become lax, the commission plan is no more immune against graft than any other form of government." Under the same restrictions and in the same circumstances, would it be easier to buy sixty councilmen or five commissioners? Therefore, Honorable Judges, we contend that the commission plan does not remove graft.

Fourth, the commission plan does not remove the bad social conditions of the city. No mere form of government can do this, but that system which is nearest to the people will produce the best results. The people must have a direct voice in the government, they must feel responsible for the administration of that government and they must be educated up to that responsibility. How many laws could the voters of New York or Boston frame in one year under the commission plan? It costs \$20,000 to hold a special election in Boston and \$1,148,000 in New York; consequently, they could not afford to pass more than two or three in a year; the commission would pass the rest of them. Therefore, since the voters have so little direct voice in the government and since this is necessary to secure for any length of time the enlightened interest of the public, the commission plan cannot remove the bad social conditions in the city.

THIRD NEGATIVE, MISS MARGARET KEMBLE, '13, IOWA
WESLEYAN

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleagues have shown you—

1. That the city is not a business corporation; therefore city government should be founded upon the fundamental principles of democratic government.
2. That because of its inherent weaknesses, the commission plan is dangerous to our government.
3. That the commission plan does not and will not remove the real causes of bad government.

We shall prove to you that the present system should not be replaced—

1. Because it is founded upon the established principles of democratic government, the separation of functions.
2. Because it is more adequate to meet the needs of our modern cities, since every reform which the affirmative advocate is now in operation under the present system and may easily be extended without involving the evils of the commission plan.

Our present system of government is founded upon and is an outgrowth of the New England town-meeting system. Bradford, in his "Lessons of Popular Government," says, "It may be said that town government is the best in the country and that for precisely the reason which forms the keynote of this book—the effective separation of the executive and legislative powers, the preventing of the absorption of the executive power by the legislative body, and the confining of the latter strictly to its proper functions of enforcing responsibility upon the executive and of granting and withholding money."

The town-meeting was successful until an increase in population made an assembly of all voters unwieldy and impracticable. In the new form of government a mayor elected at large, took the place of the executive board of selectmen, and a representative council took the place of the town-meeting, the legislative body. But let me emphasize, this new form was an outgrowth of the town-meeting system, and was based upon that system; it was not a revolutionary change of principle such as the adoption of the commission plan involves. This plan was based upon:

1. American policy.
2. Representative leadership.
3. Security of public franchise.
4. A rational system of checks and balances.

We, the negative, contend that this is the most natural, safe and wise plan of government for American cities. We do not offer any set form of government; we believe every city should be permitted to adapt its government to its needs. If a city wishes administration by a commission, let them have it; but let there be a distinct and separate elective body for legislation. Or let the mayor and a cabinet constitute the administrative body. An example of this system is the Indiana plan, which has been successfully operated for twenty years.

Let me give you in outline form the foundations upon which we would build reforms in the present government:

1. The effective separation of the executive and legislative powers.

2. The preventing of the absorption of the executive power by the legislative body.
3. The confining of the legislative body strictly to its proper functions: (a) Of enforcing responsibility upon the executive; (b) of granting and withholding money.

Honorable Judges, does not this give concentration of responsibility, absolute and unavoidable, And does it not give this without undue concentration of power and without the great danger of the commission plan, the fusion of functions?

Furthermore, the negative believe that in order to obtain legislation in accordance with the best welfare of the community, it is necessary to have a representative legislative body; that in order to have such a body, some such plan as the ward system is wise. Frank J. Goodnow, Professor of Municipal Science in Columbia University, says, "In large cities some recognition of locality is absolutely necessary; in smaller cities such recognition is desirable to secure a minority representation, or, at any rate, to secure an opposing minority. It is only through the clash of diverse opinions that the best conclusions to any matter are reached." Let me give you an idea of conditions in our large cities. Howard B. Grose, in his book, "Aliens or Americans," says, "There are in New York City more persons of German descent than of native descent, and more Germans than in any city in Germany, except Berlin. Here are nearly twice as many Irish as in Dublin, about as many Jews as in Warsaw, and more Italians than in Naples or

Venice. In government, in sentiment, in practice as in population (37 per cent foreign born and 80 per cent of foreign birth or parentage) the metropolis is predominantly foreign, and in elections the foreign vote, shrewdly manipulated for the most part, controls. Nor is this true of New York alone. In thirty-three of our largest cities the foreign population is larger than the native; in Milwaukee and Fall River the foreign percentage rises as high as 85 per cent. In all these cities the foreign colonies are as distinct and practically as isolated socially as though they were in Russia or Poland, Italy or Hungaria. Foreign in language, customs, habits and institutions, these colonies are separated from each other, as well as from the American population, by race, customs and religion."

Honorable Judges, I challenge my opponents to show any practicable method by which it would be possible to gain wise legislation in one of these cities, save through a representative body. The men elected to this body would at least be of fair intelligence, with some appreciation of the duties required of them and of American ideals.

My opponents may reply that the Referendum and Initiative will take the place of the legislature. Honorable Judges, wise, broad and beneficial legislation will never be brought about by these means.

1. Because since there can be only two special elections in a year, it is impossible to bring all questions demanding legislation forcibly before the people.

2. Because even those voters who are intelligent will not take the trouble to inform themselves.
3. Because in actual practice only one-half and often only one-third of the electorate vote on these questions.
4. Because of the mass of present legislation and the complexity of our language, debate is necessary to secure laws which may be put into operation.

Honorable Judges, is it wise to compel the adoption in all cities of over 25,000, of a plan involving no better means of legislation than these, when in 33 or 20.6 per cent of those cities the foreign population exceeds the native?

In the second place, all the best features of the commission plan have been borrowed from the present system. Wm. M. Ivins, of New York City, student of charters since 1872 and council for the Senate committee investigating municipal charters, says, "I think we have as perfect, as rigid and as thorough a system of civil service as Des Moines could pray for." Separate city elections are common in every section of the United States; monthly statements are issued in many cities; franchises for all use of streets, alleys, etc., must be voted upon by the citizens, the Initiative and Referendum are in use. All these may be extended and developed with very little legislation and without forcing upon the people the dangers of the commission plan. In fact, the only new thing the commission plan offers is that which is contrary to all democratic principles of government, the fusion of functions. The whole evolution of gov-

ernment has been toward a separation of the executive and legislative. It would seem that in all the history of the Anglo-Saxon race no principle has been more thoroughly established than that the same men cannot with safety be allowed to levy the taxes, make the appropriations and spend the money.

Honorable Judges, the negative have proved to you that the commission plan should not be adopted in all cities over 25,000:

1. Because the city is not a business corporation organized for private gain, but a political organization, having for its purpose the welfare of thousands of citizens; that since this is true, city government should be founded upon those principles which characterize all Anglo-Saxon government, the separations of functions.
2. That because of its inherent weaknesses, the commission plan is dangerous not only to the welfare of the community, but also to American ideals of government.
3. That the commission plan does not remove the real causes of bad government; namely, the bad influence of party organizations, poor legislation and administration, graft and bad social conditions without involving greater evils; that the only means by which these may be permanently removed are now being used under the present system.
4. That the present system should not be replaced by the commission plan, first, because it is

founded upon the established principles of democratic government, and second, because all the reforms the commission plan brings forward are now in operation under the present system and may easily be extended without involving the evils of the commission plan.

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NOMINATIONS BY DIRECT PRIMARY

WM. JEWELL COLLEGE vs. DRURY COLLEGE.

The Wm. Jewell-Drury College annual debate was held at Liberty, Missouri, the home town of Wm. Jewell, March 19, 1911. The subject for discussion was the Direct Primary for candidates for elective offices in the state. Wm. Jewell won a unanimous decision advocating the Primary.

"Resolved, That the Direct Primary should be used in nominating all candidates for elective offices in the state," was the exact form of statement debated.

Mr. Elmer C. Griffith Debating Coach at Wm. Jewell collected and contributed the speeches from that school.

NOMINATIONS BY DIRECT PRIMARY

*WILLIAM JEWELL COLLEGE vs. DRURY
COLLEGE*

FIRST AFFIRMATIVE, CHARLES DURDEN, '13, WM. JEWELL

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The progress of democracy is slow, but sure. By a roundabout way, the common people come to their own. Oppression dislodged seeks new intrenchment. Time was when the simplicity of our political life was itself a safeguard against corruption and graft. But the complex nature of our present government, with its difficult and intricate questions, its multiplicity of offices, has offered so fertile a soil for the boss and his accomplices, that only by making direct choice of their officers can the voters expect to eliminate the corrupt politician. Consequently the Direct Primary, long advocated by political scientists, earnestly sought for by honest, courageous statesmen, experimented with by many commonwealths, has become the demand of the people, and a vital necessity to our political life.

Let it not be supposed that we lay the entire blame upon the demagogues who fatten at the expense of the people. Blameworthy they are, and well deserving the reprobation of all honest citizens, but the fault lies

largely with the system. Let us blame the system, which by its own inherent evils produces these conditions.

At the outset, permit me to offer a definition which may serve to clarify the question before us. REPRESENTATIVE GOVERNMENT—I quote from the eminent authority, Lalor, who says, “Representation is confined to the consideration of that form of the developed modern state which gives to electors in the community the right directly to depute persons (in whom they have confidence and trust) to represent them in legislative bodies, and to give (in advance) their sanction to the laws they may enact.” The Direct Primary is the most perfect instrument of representative government yet devised. We elect our governors, our mayors, our legislators directly. Under the Direct Primary we nominate them directly. Direct representation is the highest form of representative government.

The affirmative will approach the argument from three standpoints:

1. The convention system; its inherent evils.
2. The Direct Primary; its benefits.
3. The application of the Direct Primary to our political life.

The affirmative takes no new ground. It does not devolve upon us to prove a new theory. We defend the action of thirty-five states which have adopted this principle.

But it devolves upon the negative to prove, first, that these thirty-five states were wrong in adopting the Di-

rect Primary, and why they were wrong; that the Direct Primary is bad in principle and bad in practice; that the convention system is good in theory and better than the Direct Primary in practice; that the sixty-million people represented in these thirty-five states, together with such men as Hughes and Roosevelt, have been caught in the swirl of wrong principle, and that Beveridge and LaFollette are wild enthusiasts.

By 1840 the delegate system was well under way. That it worked well in those early days is not to be denied. The character of the times rendered the delegate system necessary. Political corruption had not reached the scientific state of the present day; travel was difficult, since the roads were bad, the cities few, and railways scarce. The press was as yet undeveloped, and no system of telegraph or telephone was in existence. Men knew little or nothing of their neighbors. Consequently, when nominating officers, the only possible way was to send delegates. But it was intended only as a temporary concession to pioneer conditions, and is not in any way to be construed as a voluntary surrender of the right of the voter to nominate.

Coming in at this period, and as the first evil result, we have the doctrine of the spoils system. Office became party perquisite, and thus early in its history, the convention lent itself to corruption.

Meantime, the population of the country was increasing by leaps and bounds. The influx of foreign blood into the nation caused the minds of the people to turn in this direction, and the politician was for a time left in

undisputed control. Cities sprang up in every direction. In 1840 the percentage of population in the cities was 8 per cent; in 1900, 33 per cent. As a consequence, offices increased and great prizes were offered for the control of party machinery. Step by step, the primary became so steeped in corruption that at last the law itself was brought to bear upon it. Even this failed, though made under the most favorable auspices.

As the next logical step, in 1871 the Direct Primary was proposed. The idea gained ground, and was speedily tested in Crawford County, Penn., in California, Virginia and other sections.

As the convention system was almost daily revealing its weaknesses, the experiment was watched with considerable care and interest. In the early eighties, the Australian ballot was introduced into elections. Hitherto, corruption and machine rule had divided interest between the nominating convention and the election. Under the new system, the power of ring politicians and machine was all brought to bear upon the nominations, since it was obvious that if they could nominate, it mattered not who elected. The need for action became apparent, and encouraged by the experiments made, under the influence of the growth of democracy of recent years, one state after another undertook to nominate officers direct. Today, two-thirds of the states are using the Direct Primary in some form. I quote from the report of the special commission of Connecticut, made in 1909. "First, states having mandatory laws, covering practically all offices:

"Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Washington and Wisconsin.

"Second, states having optional laws covering practically all offices:

"Alabama, Florida, Kentucky, Michigan and Tennessee."

The tendencies are apparent from this brief history: First, the tendency to bring the Primary under regular election laws; second, to substitute, wherever possible, direct nominations for the indirect convention system.

Permit me now to point out some of the inherent evils of the convention system.

FIRST, IT IS IN THE HANDS OF THE ORGANIZATION AND
BOSS.

From the very nature of the case, this must be so. We are confronted by an institution so steeped in corruption, so thoroughly dominated by boss and machine rule, that the country stands amazed. From the first sound of the gavel, the voice of usurped authority is heard. The temporary chairman is a despot. He has all power. He is the convention, seating and unseating whom he will, creating or ruining at pleasure. There is not a vestige of representation of the voters in the convention. Says Judge Lindsey, "I saw that the party convention, to which we had at first looked as the source of honors, was really only a sort of puppet show, of which the boss held the wires. It was as useless to appeal from the boss to the convention as to turn from a

man to ask aid of his shadow." Says Meyer, "The more important the convention, the greater the inducement to buy delegates, and the greater the certainty of their being bought. Instances of the purchase of delegated voters to city conventions are notorious and appalling."

Below the convention is the primary, or party caucus, a worthy forerunner. Packed by borrowed voters, exploited by contractors and jobbers, bribed by selfish office-seekers, controlled by predatory interests, it is no wonder that it has been abandoned by the decent citizen. From beginning to end, the convention system is in the hands of the boss.

I read from the list of 723 delegates sent from the primaries of Cook County to the convention in Chicago in 1896, that 17 had been tried for homicide; 7 others, convicted for this crime, had served sentences; 36 had served for burglary; 2 for picking pockets; 7 were gambling-house keepers; 2 were of houses of ill-fame; 265 were saloon keepers; 148 were political employees; 71 were without any occupation.

Is it any wonder, gentlemen, that Illinois adopted the Direct Primary after that?

SECOND, A VERY SMALL PROPORTION OF THE VOTERS TAKE PART IN THE PRIMARY CAUCUS AND CONVENTION.

Practically no opportunity is given for the better class of citizens to be in attendance. If nothing else, the hour is against it. How can we arrange an hour when all our busy citizens are free? It has been said, "The

doctor has his patients, the merchant his customers, the lawyer his clients, and the mechanics his duties." But these busy men are our best men. We need them. Instead of abandoning the primary to a few, some system must be devised by which all may attend and register their vote at a convenient hour, as in elections. This system is the Direct Primary. It is seldom that more than 10 per cent attend the caucuses. Why? If the voter goes, what can he do? The machine has won before the meeting. The slate has been made. No word that he can speak can change it, so he stays away. Thus the minority and a corrupt minority at that, rule the caucus.

THIRD, THERE IS NO REAL DELIBERATION IN THE CONVENTION.

The mass of detail and business that has crowded in, has shut out the real business of the convention. Nominally the delegates have come to choose candidates for the party. But this has already been done. The boss and his friends have made up the slate. As Lindsey says, "All candidates for nomination were selected by Graham in advance in secret caucus with his ward leaders, executive committeemen and other such practical politicians as 'Big Steve'. Gardener was nominated by 'Big Steve' in a eulogistic speech that was part of the farce; and the convention ratified the nomination with the unanimity of a stage mob."

When the program is cut and dried, it cannot be otherwise. The delegates are mostly strangers to each other, or political accomplices, and the power behind the throne,

the boss who is in no way the servant of the people, arranges things to suit himself and the predatory interests he represents.

FOURTH, THE CONVENTION IS THE ENEMY OF THE PARTY.

We cite our opponents the numerous instances in history where the party has been disrupted by the attempts to purify the convention and carry out the people's wishes. The inner ring of politicians control the convention. The convention is in the hands of this impure clement. Therefore, it is manifestly impossible for the party to purify itself without disruption and subsequent failure at the polls. We believe in party government. The convention is the enemy of the party.

Permit me, in closing, to draw the vivid contrast between the convention system and the Direct Primary.

First. The convention is in no way democratic, but is controlled by the boss, while the Direct Primary is the expression of the people's wishes directly.

Second. The convention attracts but a small coterie of the voters, while the Direct Primary is more generally participated in by the citizens.

Third. The convention offers no opportunity for real deliberation, being held either with wrangling and bitterness or with popular enthusiasm and pre-arranged plans, while the Direct Primary presents its candidates with ample time for consideration.

Fourth. The candidates of the convention are responsible to the interests placing them in power, and

must serve the boss, while the Direct Primary makes the candidates responsible to the people.

Fifth. It is impossible to purify the party through the convention, while the people, through the Direct Primary, may cleanse the party when they will, and return to office whom they choose.

Honorable Judges, I have proved these evils to exist. I await with some curiosity the answer of our opponents. They have but two alternatives before them.

First, they may admit, since it is undeniable, the evils of the convention system, and propose some new fanciful scheme as the remedy. But I cannot forget that our best political scientists have sought for every possible solution of the problem, that our leading statesmen have searched for remedies, and from Hughes to Roosevelt, from Wilson to Merriam, from Meyer to LaFollette, the only possible solution is that one adopted by two-thirds of the states and tested for years—the Direct Primary. And we shall look askance at any new-fangled, untried scheme that may be evolved here tonight.

Or second, the gentlemen of the negative may refuse to admit the evils of the convention to be inherent, and may extend some hope of remedy by the adjustment of the convention system itself. But the country is in a hurry. We have waited since the Civil War to see an improvement, and it has not yet appeared. Our statute books are overflowing with legislation on the subject. We have honestly tried to repair it, and we have failed, and today, the corruption is worse than ever.

We challenge the gentlemen of the negative—

First, to produce any other system which, after a fair test, has proved satisfactory, and has been generally adopted.

Or second, to show why the convention has not responded to the attempts to make it satisfactory, other than through the fact that its evils are inherent in itself and cannot be avoided.

SECOND AFFIRMATIVE, HOWARD T. BEAVER, '13,

WM. JEWELL.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleague has shown you vital defects that are inherent in the very fiber of the convention. If the Direct Primary succeeds in removing even one of the vital defects of the convention, and this proposition is conclusively established by the affirmative, then the affirmative easily wins this debate. I shall prove five great advantages of the Direct Primary.

I. My colleague has proved that under the convention system the party organization and candidates are chosen by the machine, and that the means by which the predatory interests enter and control politics is directly through the control by the machine of the convention. "The convention," says Lyman Abbott, "Has become a contrivance for enabling a few to determine for whom the many may vote." But the Direct Primary eliminates the convention and thus at one stroke destroys the tool of the machine and takes out of its hands this method for control of the party. What can the boss do? He must now deal not with a few delegates, but with the

entire mass of the voters. Splitting the opposition vote has been tried, but the American voter knows this scheme well, and organizations like the Municipal Voters' League of Chicago and the Voters' League of Wisconsin make this method of the machine ineffective. The fact is that the Primary drives the machine from control of the party.

Witness the overturning of the Republican machine in Kansas in 1908 when the Long-Leland combination was defeated at the first state-wide primary. Witness the overthrow of the machine in Kentucky, Georgia, South Carolina and in our own state, Missouri. Witness the triumph of Senator LaFollette over the machine in Wisconsin. Witness the spectacle of Senator Colby in New Jersey in 1908, when he ran as an independent candidate against a powerful and resourceful machine allied with all the insurance and public service corporations in New Jersey, a most formidable array, and yet was triumphant at the Direct Primary.

The fact that the most baneful foe of political parties and American institutions, the modern political machine, such as exists under the convention in New York today, is entirely eliminated by the Direct Primary—this one great advantage alone has in many instances caused the adoption of the Direct Primary, and this fact being conclusively established is sufficient to win this debate. Honorable Judges, as the first great advantage of the Direct Primary over the convention, I have proved that the Direct Primary takes the control of political parties out of the hands of the party boss and the political

machine; and that under it instead of the people serving the party organization, the party organization serves the people.

II. As the second great advantage of the Direct Primary over the convention, I shall present arguments proving that the Direct Primary makes the party stronger and more responsive to the wishes of its voters.

It has been objected that the Direct Primary weakens the party in that (1) under it, voters may participate in the primary of another party; and (2) that no real party platform can be framed; and (3) that no party organization can be maintained. But Prof. Charles E. Merriam of Chicago and Prof. E. C. Meyer of Wisconsin, two great authorities on nominating systems, point out in their treatises on this subject that these are only temporary defects of crudely constructed primary laws, and that these defects have been removed by proper amendment such as has already been made in most of the states. Says Prof. Meyer: "When adverse circumstances are encountered, the fault does not seem to be with the principle of direct nomination, but rather with the imperfect manner in which the principle is incorporated, and under which it is compelled to operate at a disadvantage."

The Direct Primary makes the party stronger and more responsive to its voters in two ways: (1) In the first place, it accomplishes this because it removes from the party those forces which weaken it: (a) control of the party by the boss and machine; (b) alliance of party leaders and the machine with the corrupting special in-

terests. These baneful influences, as I have just proved, are removed from the party by the overthrow of the machine under the Direct Primary. (2) In the second place, it brings into the party those forces which strengthen it. The party organization throughout is subservient to the voter. Hence, there is (a) harmony between party leaders and voters; (b) the party organization and candidates really express the will of the voters; (c) the party organization, officials and candidates are responsible to the voters instead of to the boss. The party is strengthened because it has ceased being ruled under an oligarchy, but is ruled under the principles of American democracy. Statistics and results prove that the greatest purifying force now at work cleansing our political parties is the Direct Primary.

III. Growing immediately out of the preceding arguments comes the third great advantage: that the Direct Primary gives party control and nominating power into the hands of the people. If the nominating system does not give party control and nominating power into the hands of the people, then we are not proceeding on the fundamental principle of our government, democracy. Honorable Judges, the Negative may argue that this power would better not be exercised by the people at large, but notice that this point was decided over a century and a quarter ago when this nation was established upon the principle of government by all. If our government is nominally a democracy and practically an oligarchy, then we will have none of the benefits of democracy and all the evils of oligarchy. That party

control and nominating power ought to be in the hands of the people is not debatable, but already decided and established by the principles of democracy in our national constitution and its fifteen amendments. "Questioning the wisdom of the Direct Primary," said former Governor Folk, "is like questioning the fundamentals of popular government."

The nominating power is a tremendous thing. Without it, the voters merely choose between two candidates, both of whom are usually chosen by groups of designing politicians. With the nominating power, the voters exercise their sovereign right of choosing from the whole body politic their representatives. Without it, despotic oligarchy; with it, vitalizing democracy. This tremendous power must be conserved in the hands of the people. But the convention takes it utterly away from the people. What is the remedy? "The remedy for the evils of democracy," said De Tocqueville, "is more democracy." In other words, throw the middleman out of politics. And it is this principle and its result, that the Direct Primary has given party control and nominating power back into the hands of the people, that has wedded the mass of voters to the Direct Primary.

IV. I maintain in the fourth place, that the Direct Primary gives a better nominating system than the convention. This is true because of five reasons:

1. In the first place, it is the most simple nominating system yet devised. The convention calls for at least one primary and one convention, while in New York and other states the first select delegates to other conven-

tions, making it impossible for a voter at the first primary to have the remotest idea of whom his vote will be instrumental in nominating. The simplicity of the Direct Primary is ideal.

2. Under the convention, the machine man and the rich candidate who will swell the campaign fund possess insurmountable advantages over the ordinary candidate. Says Prof. Charles E. Merriam, Republican reform candidate for mayor of Chicago, "Had there been a delegate convention, I should not have had the slightest chance of nomination." But under the Direct Primary he was nominated, and that by a majority of all votes cast. Under the Direct Primary every candidate has the same opportunity for nomination.

3. In the third place, the Direct Primary is a better nominating system because its nominees are representative of the people. The worst thing we have to fear in politics is indifference of voters. The convention engenders it. The primary removes it. In over forty years of Direct Primary in Crawford County, Pa., says the editor of the Crawford County Journal, an average vote of 74 per cent has been polled at the Direct Primary. A fair average vote at the convention primary is not more than 10 per cent; a fair average vote at the Direct Primary is well over 60 per cent; and in many cases as heavy as at the final election. Even Senator Depew, of New York, said in the Senate on January 24th last, in speaking of Senator LaFollette, "He has proved by popular and primary elections that he is the choice of his commonwealth." Hence, by the statement

of a dyed-in-the-wool conservative, the system under which the candidates are chosen by and really represent the mass of the party voters is the Direct Primary.

4. As the fourth reason, under the convention the slate of candidates is already prepared before the convention assembles. The only deliberation is that of the party bosses. But under the primary the names of the nominees are before the people for several weeks, and the nominations have all the advantages of careful deliberation.

5. In the fifth place, the Direct Primary is a better nominating system because under it the public officials are directly responsible to the voters. It is to the voters that they must appeal for re-election. "Under the convention," says Governor Hughes, "party officials often regard themselves as primarily accountable not to their party, but to political leaders." Under the convention, the party boss dictates to public officials and determines their attitude toward public questions, one of the most disgraceful and flagrant abuses under our system of government. The New York State legislature quickly shelves all legislation aiming to dispose of the now existing partnership between the machine and the corrupt interests, because their constituents cannot reach them under their indirect system of convention nomination. If the legislators of New York were as responsible to their constituents as are legislators now nominated by the Direct Primary in thirty states, legislation would more nearly express the wishes of the voters. Said Governor Van Sant of Minnesota, after three years

of the Direct Primary, "The concensus of opinion seems to be that the Direct Primary will be a permanent method of nominating candidates for office." For these five reasons, that it is more simple, fair, representative, deliberative, and responsive, the Direct Primary is clearly a better nominating system than the convention.

V. My colleague has shown you that under the convention the class of candidates is unnecessarily low. The great bulk of officers under the convention are machine politicians and hangers-on. Under the convention system the self-respecting men will not seek office, because they must cringe before the machine boss. "Under the primary," says LaFollette, "men will be nominated because they stand for something, because they have right convictions, and the power and the courage to declare and defend them, because they have proved their wisdom, their statesmanship in the service of the people." Former Senator Long, of Kansas, a vivid type of misrepresentation, who under the convention system could probably have kept his office for many more years, under the Direct Primary was at once defeated, and his place was filled with a man who in his first term has electrified the political world with his political sagacity and tireless energy. His investigations in the rubber schedule of the last tariff bill furnished an astounding revelation, which pronounced him at once a statesman of insight and courage, a specimen of the new type of statesman being produced by the Direct Primary—Senator Bristow. Again witness the recent Republican nominee for mayor of Chicago, late a professor of political science in Chi-

chago University, whose investigations in municipal affairs made the machine politicians his bitterest enemies—Charles E. Merriam, nominated by the Direct Primary. Witness Governor Stubbs, of Kansas, Governor Hadley, of Missouri, Senator Cummins, Bourne, LaFollette—nominated by the Direct Primary.

These men are all of the type of the new statesmen produced by the Direct Primary. The great economic and social changes through which we are now passing and the political crises, national and local, which we are fast approaching, demand that this nation have as her public officials the best men in the land. It is through the Direct Primary that we are today getting our best statesmen and public officials; and for the men who will safely guide us through modern conditions and changes we must look to it.

My colleague has shown you the destructive defects that are inherent in the very structure and fibre of the convention. As the constructive side of our argument, I have proved in principle and in practice, that there are at least five great advantages under the Direct Primary. (First, it drives the machine from control of the party; second, it makes the party strong and responsive; third, it gives party control and nominating power into the hands of the people; fourth, it provides a better nominating system; fifth, it produces better candidates.)

The citation by the negative of misgovernment under crude and hastily constructed primary laws is no argument against these advantages, for such laws need amendments already devised before they properly carry

out the principle of the Direct Primary. However, the negative will attempt in this way to befog the real issue at stake. But the issue is plain. It is Convention or Direct Primary; party control by the machine or by the people; government by the few or by all; oligarchy or democracy!

THIRD AFFIRMATIVE, W. EARL LONG, '12, WM. JEWELL.

Honorable Judges, Ladies and Gentlemen: The gentlemen of the negative have consumed their time denouncing special forms of the Direct Primary, but have brought no arguments whatever against the fundamental principles of the system. Now, gentlemen, we are not upholding any special form of the Direct Primary, but are here to defend its basic principles, and when we have shown you by a comparison of principle with principle, of result with result, that the Direct Primary is more desirable than other systems, we have done all that this question requires of us tonight. We realize that different conditions exist in different localities, and any system must adjust itself to local needs. Therefore, we do not propose any rigid form of the Direct Primary, but leave this to be settled by the several states.

In supporting the Direct Primary we are not responding to the cries of the few, nor do we express any local whim. It is not the idle fancy of some dreamer, but it is the natural evolution of our plan of government. Throughout the United States there has been gathering the force of an irresistible sentiment, with universal support. It does not seek the impossible; it is not vision-

ary; it will increase in its strength. It will not unduly boost the strong man nor lower the weak, but it will place every man on an equal footing. We admit that some difficulties have arisen under the Direct Primary, but I challenge the gentlemen of the negative to make you acquainted with any plan of government that did not encounter difficulties even in its maturity.

Senator Gore says, "This method dethrones vice and enthrones the people. It brings the government nearer to the governed. It helps to make the will of the majority the law of the land." Senator Crawford says, "No state that adopts a fair Direct Primary nominating law and gets fairly started in it will ever repeal it. Our law has ended boss and corporation rule in politics in South Dakota. Under no circumstances could we be induced to go back to the old caucus and convention system." The National Progressive Republican League, composed of all the progressive United States Senators, representatives and governors, announces as its object "the promotion of popular government and progressive legislation, and for the attainment of this object they propose the Direct Primary for all elective offices. Ex-president Theodore Roosevelt says, "the voter should be guaranteed the same privilege of nominating the candidate as he has of choosing between the candidates when nominated." And so, Honorable Judges, we ask you to notice the type of men supporting the Direct Primary.

This question essentially adjusts itself into a comparison between the convention method of nominating and the Direct Primary. As our opponents have been at-

tacking the Direct Primary, its advantages over the convention system have only grown more striking. Every objection urged here has been urged against one or two applications of a specific law, not against that law after a fair trial through a continued period of time. Why did they not show you a state that had pronounced the Direct Primary a failure? Why did they not make a comparison of the results of the Direct Primary in one of these states for a period of the first ten years with the results of the convention system in the same state during the preceding ten years? We can tell you why—the Direct Primary has been established in thirty-two of our forty-six states, and no state has ever gone back to the old system. Again, Honorable Judges, every case cited by the negative where the Direct Primary had apparently failed happened within one or two years after the Direct Primary was put into operation. These weaknesses were immediately removed by further legislation, and consequently, the gentlemen of the negative could not cite you a single instance where this failure occurred in the same state more than once.

Our opponents have offered many objections to the practice of the Direct Primary, but state after state calmly enacts the law, and, rejoicing in its new-found freedom, goes on thereafter to make it more comprehensive and efficient. Why did California, Idaho, Nevada, New Hampshire and the Territory of Arizona abandon the broken down convention system as late as 1909, and adopt mandatory, statewide Direct Primary laws, if the practical application of this system in other

states had not proved its superiority over all the other systems of nominating before considered. At the last election, fifteen governors were chosen who had been nominated by this direct popular method. If the Direct Primary is a failure in practice, why do our great commonwealths continue to choose it in preference to other systems? True enough, the different states have adopted it with various alterations. I say again, we do not advocate any special form of the Direct Primary—it is the principle which the people of our country are determined to have. Thirty-five states and one territory already have the Direct Primary in some form. “It is mandatory and applied to practically all elective offices in the following states and one territory: Illinois, Wisconsin, Iowa, North Dakota, South Dakota, Kansas, Nebraska, Oregon, Washington, Oklahoma, Missouri, Mississippi, Louisiana, Texas, California, Idaho, Michigan, Nevada, New Hampshire, Tennessee, and Arizona. In eight more southern states, the Direct Primary is optional, but in each of these states it is used regularly. In seven more states the Direct Primary is in use in some form, so that the total population of those states which use the Direct Primary is approximately sixty millions, or about 81 per cent of the total population of the United States.

Our opponents must agree that through the many means of communication, the people are better informed as to the political situations, character and ability of candidates than ever before; and further, that the per cent of the educated is higher than at any previous time. With the many advantage of our age we are pre-emin-

ently circumstanced to encourage the education of the public. The Direct Primary, by placing a sense of more direct responsibility upon the voter, will have a great tendency towards universal education. "And after all," says Merriam, "It is the education of the public alone which can adjust our government with a minimum of evils." Every student of politics knows that there is no automatic device that will secure smoothly running self-government while the people sleep.

Again, the Direct Primary brings out a larger percentage of the votes, and therefore, its results are more representative of the people. W. C. Hayward, Secretary of State of Iowa, says, "Only about 8 per cent of the voters of the Republican party participated in caucuses held under the old caucus system. . . . And even a less percentage of the Democratic party participated in their caucuses." Geo. C. Junkin, Secretary of State of Nebraska says, "Under the convention system, there was not to exceed 5 per cent of the voters that participated in the caucuses; but under the primary election law now in force in the last primary election, over 32 per cent of the registered voters participated." Jas. A. Frear, Secretary of State of Wisconsin says, "Not more than 5 per cent of the total vote was cast under the old caucus system." Now, Honorable Judges, let us notice the results of the practical application of the Direct Primary, "In Illinois 52 per cent of the voters who voted for governor at the general election in 1908 voted at the primaries; in Missouri, 58 per cent; South Dakota, 63 per cent; Washington, 65 per cent; Iowa, 51 per cent; Wisconsin,

46 per cent; Kansas, 45 per cent; Oregon (1906), 52 per cent; which shows a general average of 58 per cent." How can our honorable opponents oppose a system which we have proved by statistics has brought out eight times as many voters as any other system?

But our worthy opponents would have you believe the American citizen is not intelligent enough to cast a direct vote. By what process of reasoning do they come to this conclusion? Has he not always voted for delegates to nominating conventions? If he can cast an intelligent ballot for each of many classes of delegates, and vote for men who may safely be trusted with the choice of candidates, does he not possess sufficient intelligence to exercise that choice directly? Shall we not rather trust 58 per cent of the voters at the polls, voting directly, than trust from 5 per cent to 9 per cent voting indirectly? Consider the possibilities under the two methods. Under the one you have a majority of your fellow citizens at the polls voting directly, and conscious of the fact that their votes will count. Under the other, statistics show that you have an average of about 7 per cent of the voters at the polls, casting their votes for delegates to nominating conventions. If the voter is intelligent enough to decide between candidates at the November election, why is he not intelligent enough to decide between candidates at the primary?

All authorities admit that the primary under the old system was largely a matter of form. The average voter knowing that his vote would have no direct influence, remained at home. What would our worthy opponents

do in states such as Louisiana, Mississippi and Texas, where nomination is equivalent to election? In whose hands would they place the power of nomination? Would they trust the people, or would they trust the boss? Would they choose democracy or would they choose oligarchy? Let us remember that the action of the convention is final. The thing is done, the candidate is named, and only too often the voter is compelled to decide between candidates, none of whom is satisfactory. On the other hand, Honorable Judges, the Direct Primary is strengthened by the knowledge of having the entire people at the polls, than whom there is no greater tribunal recognized under any system of government. The great masses of the people are not only intelligent, but honest. They have no selfish interests to serve, and ask nothing of their public officials but faithful and efficient service.

But they say the machine is still supreme. What do they say in regard to Governor Stubbs and the Leland machine in Kansas? What about Colby's great victory over the machine candidate in New Jersey? What about Chamberlain yonder in Oregon; Bristow and the Long machine in Kansas? Merriam and the Busse administration in Chicago? And last but not least, what has been the result here in old Missouri? The machine, once supreme, is now a thing of the past. It is now the people's government. How many Missourians desire to go back to the old regime?

And now, Honorable Judges, in answer to what our honorable opponents have said in regard to the working

of the Direct Primary in thickly populated districts, I refer you to the recent Direct Primary election held in the City of Chicago. Charles Edward Merriam won his nomination by the Republican party for mayor by exposing graft. About a year ago, at Mr. Merriam's request, Mayor Busse, of Chicago, appointed a commission to audit the city accounts. Mr. Merriam was made chairman of this commission, and revealed graft to the extent of ten millions of dollars a year for the four years of the Busse administration. These revelations kept Busse from becoming a candidate for re-election, and at the recent primary, it was found that Merriam received more votes than all of his opponents, regardless of the interests combined against him.

Even the opposition admits that the Direct Primary would work well in small districts. And just eleven days ago in the second largest city in America, the practical application of the Direct Primary proved the system a grand success. What further evidence do the gentlemen of the negative desire?

And furthermore, Honorable Judges, this is an excellent example, as Chicago has a population greater than that of any one of thirty-eight of our forty-six different states, and moreover, the ignorant classes are well represented, as Chicago has more foreigners than any other city in this country; consequently, if the Direct Primary could be at a disadvantage any place, Chicago would certainly be that place. Proving such an overwhelming success there, what could stand in its way elsewhere?

I quote Mr. Merriam in the Chicago Daily Tribune of March 1st, "I believe the people universally now will recognize the value of the Direct Primary law as it was applied today, and that the time never will come when they will submit to having a candidate thrust down their throat. . . . Had there been a delegate system in force, I would have stood no show whatever. . . . My candidacy was a straight challenge to the graft system, spoils system and the special privileges system." In answer to our opponent's argument that the office never seeks the man under the Direct Primary, I quote Mr. Merriam further: "I did not consider becoming a candidate for the nomination until the close of last year. Then the necessity of running was virtually forced upon me. The situation then was such that somebody had to go in and make the fight. The public generally understands what the situation was. There didn't seem to be any one else to do it, so I did."

The Direct Primary makes government the business of every man. All are heard, but the greater numbers rule. All are free to express their opinions, all are satisfied, but the result is a fusion, a combination, which represents the best that we, as a people, can do. We all err, the wise as well as the unwise; the radical as well as the conservative, but we do not all err in the same direction. The practical working of the Direct Primary shows that political leadership and organization still exist, but each acts in its proper sphere. They are no longer self-constituted. The leader is no longer the political monster who throttles opposition and rules by his

own will. The leader does not choose himself, but is the choice of all. Political organizations not only serve a few, but all. The public official, once the master of the people, under the Direct Primary has become the public servant. In supporting the Direct Primary, we are opposed to the special privilege. We are merely asking for a square deal. If we are to maintain a government which in fact, as well as in name, shall be of the people, for the people and by the people, the Direct Primary law is indispensable. That the voter should individually nominate as directly as he elects his public servants, is too fundamentally right to be long withheld from American citizens.

SUMMARY OF DRURY NEGATIVE BY CHARLES DURDEN,
LEADER, WM. JEWELL TEAM.

1. The Direct Primary enables members of one party to cripple another by nominating weak men on the party ticket.

The case of "Doc" Ames of Minneapolis is noted.

2. The Direct Primary gives license to the office seeker, and good men are lost to the public service because they will not run unless asked.

3. It, therefore, does not produce as good a class of men as the delegate system.

Hughes, Roosevelt, LaFollette and Wilson are all the result of the delegate system.

4. It has been abandoned by the majority of the leading statesmen.

5. It is impossible for the people to know the candidate in a state-wide primary.

6. The people are not competent to pass upon the qualifications of a candidate for any particular office.

7. The machine can easily control the Direct Primary.

8. The minority rules the majority in the Direct Primary, and the poorer element succeed in getting a bad man in office by splitting the better vote.

9. The ballot is too long, and much of the voting is left to chance, the first names usually getting the support of the less intelligent voters.

10. The Direct Primary fails to place the responsibility for corrupt nominations as such responsibility is fixed in the case of the delegate system.

11. The Direct Primary forces the judiciary to ask the people for support, and thus the bench loses in dignity and power.

12. The Direct Primary is against the principle of representative government. It is popular government.

AFFIRMATIVE REBUTTAL, CHARLES DURDEN, LEADER,
WM. JEWELL TEAM.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The gentleman who preceded me said: "We do not condemn utterly the old system, nor do we condemn utterly the Direct Primary." We confess that we are at some loss to know what the gentleman does condemn; and what he supports.

The System Proposed.

A system has been proposed by the negative that is

by no means new. It is, in brief, the State Legalized Convention system. The gentleman who presented it did not tell us that it had been tested in Chicago and had failed. He forgot to say that after a fair test, it had been found to be worthless, and tonight Professor Merriam, an active supporter of the Direct Primary, is before the people of Chicago as the direct result of the change.

"We are afraid of popular tendencies," say these gentlemen. But the affirmative hastens to assure them that where eighty-one per cent of the voters have been going that way for years, there is little cause for alarm.

Minority Nominations.

That the nominee of the Direct Primary represents the minority is one of the strongholds upon which the negative has based its argument. I read for E. C. Meyer:

"More remarkable still was the result in city primaries, where out of fifteen offices, twelve majority nominations were made. That majority nominations are common under Direct Primaries, has also been demonstrated by long experience in South Carolina, Mississippi, and at Lincoln, Nebraska." (Page 284, Nominating systems.)

Further; the statistics of Crawford County, Pa., show that every nominee since 1887 has received a clear majority. In elections, minority elections occur regularly. In Wisconsin, Governors Rusk, Hoard, Smith, and Pack were all elected by a minority. Every president of the United States since Grant, except McKinley, has been elected by a minority.

"In the Direct Primary the large cities control the choice of candidates."

Figures compiled by the Citizens' Union of New York show that in twelve states governors nominated by the Direct Primary were residents of hamlets and small cities. There is one exceptional case, that of Deneen of Chicago. But permit me to point out the condition of affairs under the convention system in New York.

Governor, from New York City.

Lieutenant Governor, from Syracuse.

Attorney-General, from Buffalo.

Secretary of State, from New York City.

Comptroller, from Albany.

State Treasurer, from Rochester.

Only one, the engineer, is from a rural community, and yet the gentlemen of the negative advanced this argument against the Direct Primary.

"The Direct Primary permits the members of another party to nominate weak men upon the opposition ticket."

Possibly under defective and crude Direct Primary laws, this may have been so. The case of "Doc" Ames of Minneapolis has been quoted. While it is true that many voters of the other party supported Ames in the nomination, it must not be forgotten that they stayed with him and elected him. We know of no law by which voters are restrained from changing their party affiliations if they wish.

"The Direct Primary fails to place the responsibility for bad nominations, while the delegate under the convention system is responsible."

But we have not been told of any instance where this responsibility has been placed upon the delegates. The truth is that while under the old system it was impossible ever to place it, under the new system, the responsibility bears directly upon the voters themselves.

"Most men have abandoned the Direct Primary and have given it up in despair."

But the gentlemen have not quoted the names of these men. Who are they? Where is the man of prominence who has abandoned the Direct Primary? We should like to know his name, for we have failed to find it, and the gentlemen have forgotten to give it. But who is the man? Is it Roosevelt? Is it Hughes? Is it LaFollette? Is it Beveridge? Is it Stubbs? Is it Meyer? Is it Bristow? Who is it? The gentlemen have forgotten to tell us.

Exceptions in States using the Direct Primary.

But the negative claim the question involves all elective officers in the state, while every state but one or two has made some exceptions. Permit me to present a summary of the appendix in Professor Merriam's book upon the subject. For lack of time, I can read but a summary.

No exceptions: Texas, Tennessee, Louisiana, Mississippi.

Presidential electors and delegates to national conventions excepted: Oklahoma, Oregon, N. Dakota, S. Dakota.

Judiciary excepted: Iowa, Wisconsin (in cities).

Small city and school elections excepted: Washington,

Missouri (city officers not chosen), Illinois (trustees of State University, township and school electors), Kansas (special elections and school meetings).

And yet the gentlemen have claimed that every state makes exceptions, but they forget to tell us that most of the exceptions named are not elective officers of the state, and are not included in this question.

"It will take the Judiciary into politics."

We should like our opponents to say which is better; for the judges to be appointed by the people or by the bosses. Self-advertisement is wrong and degrading to the judges. "Imagine a spectacle," say they, "Of our judges going round shaking hands with the people." And yet we cannot but feel that personal contact with the voters is one of the most desirable things in our political life. If it is wrong for the men who interpret our laws to enter a campaign how much more so is it wrong for those who make the laws. If the judge degrades his office by asking for election at the hands of the people, how much more so does our chief citizen, the governor of the state? It can be no disgrace to seek any office which the state has in its power to bestow.

"It destroys Representative government."

The negative seems to think that representative government necessarily means government in which representatives must be chosen by representatives. But this is not so. Representative government provides that the people shall be represented in the offices in which the laws are made, interpreted, carried into effect. Only as the officers represent the people can the government be

representative. It in no way signifies that these officers must be chosen by delegates, nominated and controlled by bosses.

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THE MINIMUM WAGE

OKLAHOMA UNIVERSITY vs. MISSOURI UNIVERSITY.

The Minimum Wage question is new in debating circles and was debated last spring (1911) perhaps for the first time in Missouri and Kansas. The question was used in the annual Freshman-Sophomore Contest at Ottawa University in February and a statement and bibliography of the question was traded to the Kansas University debaters for material on and statement of the Short Ballot question. Kansas submitted the question to Missouri, and Missouri in turn to Oklahoma. Missouri won on both the affirmative and negative sides.

The question was stated as follows:

Resolved, That it would be advisable to apply Minimum Wage legislation in the field of the sweated industries of the United States, constitutionality waived.

The speeches printed here were contributed by Mr. Sam Marsh of Ottawa University, Mr. Elton B. Hunt, captain of the Oklahoma team, and by Mr. John Shields of Ottawa University.

The Missouri speeches on the negative of this question were promised for this work, but upon the failure of the debaters to return to the university became unavailable. For that reason the class debate at Ottawa University is given to present the negative argument, the winning side at this school.

The Oklahoma-Missouri debate illustrates a growing custom in the West, that of placing but two men on a team.

THE MINIMUM WAGE

OKLAHOMA vs. MISSOURI.

FIRST AFFIRMATIVE, ELTON B. HUNT, OKLAHOMA UNIV.

Honorable Judges, Ladies and Gentlemen: We are considering a resolution which has for its aim the welfare and protection of some six millions of our fellow citizens. Our question is one of public welfare and social betterment. It is not primarily a question of political statesmanship or party politics, not a question of public finances, or international relations. But it is pre-eminently a question of justice and humanity, a question of relieving the suffering of many people and of raising to a higher plane that portion of our citizenship so vividly described by Jacob Riis in his book "How the Other Half Lives." When we contemplate the thousands of workers that are going hungry, when we realize that women, and children, the aged and the sick are compelled to eke out a starvation existence, we can not believe that the government will much longer turn a deaf ear to their pitiable cries for relief! Such is the light in which the proposed resolution must be considered.

Our question calls for Minimum Wage legislation. This means that there should be enacted laws providing a living wage lower than which it would be unlawful for the employer to pay. It would be a true minimum, a

foundation wage below which it would impossible to go, but above which there would be no limit except the efficiency and personal worth of the laborer. This Minimum Wage legislation would be applied only to the field of the sweated industries, it being in these industries that grossly inadequate wages are paid. We accept the definition of the sweat-shop as given by the leading economists of the country. Typical of these is that given by President Hadley of Yale University, who defines the sweat-shop as the sub-contract system. While this includes all industries where the work is sub-contracted, we have no need in this debate to consider the so-called "good sweat-shop," which term is applied to all industries where the work is sub-contracted for good wages.

It is our intention, after briefly considering the conditions prevalent in the sweat-shop, to point out as reasons for advocating a legal Minimum Wage, first, that an adequate remedy for the present evils can be found only in wage legislation; second, that the plan has the endorsement of experience and authority; third, that the Minimum Wage legislation, which we urge as advisable, will accomplish the needed reforms; and fourth, that Minimum Wage legislation is the normal outgrowth of present tendencies and is in accord with accepted American principles.

The field of the sweated industries is very large. It includes practically every industry that can be carried on by the workers in their homes. The making of artificial flowers, laces, millinery and all manner of clothing is carried on in the home under sweated condition. The

work is usually farmed out by the manufacturer who makes a contract with a middle-man to do a certain amount of work by a certain time, for which a certain price per article is paid. The first middle-man is not a worker but a speculator who sub-contracts the work again after having subtracted a neat little profit for himself, the next man is a lesser speculator who also subtracts his profit before handing the work along, and so it goes till finally it reaches the worker who is compelled to do the work for whatever it will pay. That is governed by the amount of wage profits that may be left after these numerous middle-men have all subtracted their profits.

As a result the wage paid is so small that the laborer can not live decently. The actual figures prepared by investigators are so low for the work done that we hesitate to quote them. They are inconceivably small. Imagine finishing a coat for six cents, or making kimonos for four cents a dozen, or making violets for three cents a gross! Yet these are conservative figures which total a weekly income larger than that given by conservative writers as typical of the sweated industries. Indeed Adams and Sumner in their college text on "Labor Problems," page 135, give as customary wages for the entire making of a suit of clothes in the sweat-shop, \$1.45.

On these wages, the workers in a desperate attempt to keep body and soul together are compelled to work all the day long and far into the night, thus taxing human endurance to the utmost. Consequently they have no time for rest and recreation. Indeed they have no time to spare from their task for household duties, for fear

the allotted task will not be finished on time and all their work will be forfeited by the greedy sub-contractor. Having no time for household duties the home must go unkept, and the utmost filth abounds.

Not only does the system involve the grown workers, but its baneful curse blights the hope of future generations. For in the sweat-shop child labor is at its worst. There you must witness the horrible spectacle of seeing children ground into dollars. Every child of the sweated home must work, for the low wages paid make it impossible for the father, or even the father and mother together, to keep the family alive. Few children go to school, and those that do go endure a double strain, for out of school hours and late into the night they must work with their parents at the never ending tasks. Children are cheated out of the golden days of childhood. No childish hand is useless. The baby of four years can pull basting threads and wind the stems of artificial flowers. The Hon. Percy Alden in the *Chautauquan* 60: 344, sums it all up by saying: "The result is that children degenerate, growing up to become not able-bodied and intelligent workmen, but unemployables, both mentally and physically defective."

The conditions are a menace not only to the workers but to the general public as well. The Consumers' League, an international organization which has for its aim the abolition of the sweat-shop conditions and the protection of the consumer from infection that comes out of this cesspool of industry, is waging an active campaign for Minimum Wage legislation. The sweat-

shops are plague spots out of which come all manner of infectious diseases, for under the starvation wages paid, which scarcely keep body and soul together, sanitary precautions are impossible. We find diphtheria, scarlet fever and even smallpox patients in the work-rooms and actually at work upon the garments produced by the sweat-shop system. But the paramount danger to the consumer is from tuberculosis infection. The lack of wholesome air and light, and of sunshine in the crowded work-room, the long hours of work and the rush and the strain gives the White Plague every opportunity to do its fatal work. Dr. John H. Pryor of the tenement house commission of New York says that tuberculosis "is a disease quite distinctive of the tenement-house life of the present time!" Victims in all its horrible stages are found finishing up articles of clothing till the very day of their death. The germs are deposited in the goods and carried into the homes of the consumer; perhaps into your own home. It may be that your suit, unless it was made by a local tailor, had its basting threads drawn out by a thin, trembling, weak hand of a Great White Plague victim. You can not protect yourself by buying high priced goods, for ball-room clothes are made more often in the sweat-shop than are the overalls and blue jumper of the common laborer. We do not realize the danger that comes to us from buying tenement house goods, produced under conditions where the mere pittance received by the worker prohibits the observance of even the first principles of health and sanitation.

But we have no desire to trick you into sympathy for

our cause. It is able to stand or fall on its own merits. We picture these revolting conditions only because they force themselves upon us by their immediate bearing upon the problem of wages. It is because of these conditions that we propose the Minimum Wage, and we refer to them only to show how the Minimum Wage will remedy them. The negative may admit the existence of these conditions, yet attempt to prove that they do not call for wage legislation. But, Honorable Judges, we have shown in the very nature of these conditions a clear relation between the low wage and existing evils; therefore, if they make any such admission, they will have materially aided us, for they will have placed themselves in a position where they must either justify these conditions as desirable, or else they will have to prove themselves wiser than all the social reformers of the world and produce a better plan than Minimum Wage. We submit that if these conditions do exist that it is at least advisable to apply whatever remedy stands out as pre-eminently the best one proposed.

We hold that Minimum Wage legislation is the best remedy, and our first contention is that an adequate remedy can be found only in wage legislation. As has already appeared, the essence of the sweating evil is the low wage. This is based on the obvious truth that the best way to mitigate the evils produced by poverty, which we all deplore and desire to remedy, is to prevent poverty. The poor are poor because they are paid low wages for their work; and the squalor of their lives, their insufficient food and abominable clothing, the excessive mortality of

their infants, the disease and dirt of their children, the coarseness of their rare pleasures, their meaningless lives and untimely deaths are all due, primarily, secondarily, and inevitably to their poverty—to their insufficient wage. Seems simple, doesn't it? Clearly, the fundamental evil of the sweating system is the low wage.

A higher wage, then, must be secured; and we maintain that an adequate wage can be secured only through wage legislation, for other proposed remedies are insufficient. The law alone can handle the situation. Of the proposed remedies there is that of organization. This has been the solution of the wage problem for the skilled worker. But in the sweated industries where a very small amount of skill is needed, organization is practically useless, not to say impossible. Even in the skilled trades it is possible for the capitalists to secure strike breakers, and in the sweated industries it would be a most simple matter to do so, since these workers are widely scattered in isolated homes and work-shops in the tenement districts of our great cities. The great English authority, John A. Hobson, in his "Problems of Poverty," p. 227, expresses the situation excellently: "The sweated worker can not organize because he is so poor, so ignorant, and so weak. Because he is not organized he continues poor, ignorant, and weak. Here is a great dilemma, of which whoever shall have found the key will have done much to solve the problem of poverty." You see organization is no remedy for the sweated problem.

Again we are told by some that the law of supply and demand ought to regulate wages. But this we can not

admit, for in the words of the greatest of French economists, Chas. Gide, this is a blind law of nature that has no regard for equity and justice. Besides, even supposing that supply and demand ought in some industries to regulate wages, still it can not apply in the sweated industries because there it operates under abnormal conditions. To begin with, the law of supply and demand presupposes perfect mobility of labor, which means that labor can migrate freely. This would cause wages, generally speaking, to be uniform over the entire country. In the sweated industries we know this is not the case. Moreover, the law of supply and demand presupposes normal competition. In the sweated industries we have a competition that is not normal, since the impoverishing wage drives into the labor market the wives and children of the worker. Thus we have an unnatural competition, the father competing with the mother and children, with the very ones who should not be compelled to work at all since their entry into the labor market destroys the home and imperils the welfare of future generations. Since, then, in the sweated industries the law of supply and demand operates under abnormal conditions, and since even under normal conditions it operates without regard for equity and justice, we see the fallacy in trying to argue that in the sweated industries the wages ought to be regulated by the law of supply and demand.

But our opponents may tell us that we have laws enough already, if we would but enforce them, to wipe from the face of the earth every evil of the sweat-shop. They may advocate sanitary laws, licensing, factory and

the like. Yes, indeed! But they are all like the system of cutting a man's head off to cure him of the mumps. In the name of reason, what possible good can a bushel basket of sanitary regulations do when the worker has neither time to clean up his premises or the money to improve his sanitation? All these attempts are in the right direction, but they go at the matter backward. We are contending for a measure that goes beyond the superficial and seeks to remedy the fundamental cause,—the low wage. When we have done this, then our laws can be enforced. When a man is no longer hungry and cold, then it is possible to make him clean up and live decently. We are not seeking to destroy the laws we already have, but to fulfill them and make them effective.

We have seen that the poor are poor because they are paid low wages, and to cure their poverty-stricken condition we must apply Minimum Wage legislation, since other proposed remedies are not adequate. Organization is impossible in the sweat-shop, the law of supply and demand does not have a chance to work and has broken down, the multitude of laws we now have all go at the matter backward, and we must have Minimum Wage legislation to supplement their attempts. Therefore, in view of these facts we have clearly shown, in the first place, that Minimum Wage legislation is necessary to remedy adequately existing conditions.

Now, in the second place, the plan is not new nor untried. It has the endorsement of experience and authority. So long ago as 1896, our cousins across the sea in Australia sought and found in this plan we are advocat-

ing the real solution to the sweated industries' problem. Because of its success in New Zealand and Australia, both England and the United States sent special investigators to study the working of the law. Dr. Victor S. Clark, the man sent by our government, says in the No. 49 Bulletin of the Bureau of Labor, p. 1255, that the measure is a success "beyond expectation." Mr. Aves made such a satisfactory and favorable report to His Majesty King Edward as to cause the House of Lords and Commons to write the English Wages Boards act of 1909.

We do not insist that this unquestioned success of Minimum Wage legislation in other Anglo-Saxon countries is a conclusive proof of its success here. But we think the analogy strong, and that its continued success is at least prejudicial to the contention of the negative and stands as a strong *prima facie* case for the affirmative.

This we are warranted in doing, it seems, since the plan is being looked upon with great favor in America. During the past winter Minimum Wage bills were proposed in Massachusetts, Wisconsin, and Minnesota. In these three commonwealths where the sweating evils are existing, the Minimum Wage plan is receiving the support of the real students of the sweated evils and also the favorable considerations of those who write the laws.

Again our plan comes stamped with the approval of the very best authorities on the subject of labor legislation. The greatest legislative body of England almost unanimously voiced its approval of such a measure. Sidney and Beatrice Webb, and Earnest Aves and a multitude of

English investigators are on record as favoring such legislation. In our own land the list is almost endless. John A. Ryan in his book, "The Living Wage," voices the sentiment of the church and all those who are to be moved by humanitarian consideration. The voice of the laborer is heard echoed in the public utterances of Samuel Gompers. Among the more prominent economists and political scientists of our land that have allowed themselves to be put on record favoring Minimum Wage legislation are: Hadley of Yale, Taussig of Harvard, Seligman of Columbia, Jenks of Cornell, Adams of Michigan, Henderson of Chicago, Ely and Commons of Wisconsin. Truly an imposing array of the best students in the United States! We have simply cited a few of the more prominent men favorable to the Minimum Wage in order that you might fully see that our plan has the endorsement of both experience and authority.

Thus far in the debate, Honorable Judges, we have pointed out the conditions that exist, which conditions we would remedy by the Minimum Wage, because, first, an adequate remedy for existing evils can only be found in wage legislation; second, the plan has the endorsement of both experience and authority.

SECOND AFFIRMATIVE, EARL FOSTER, OKLAHOMA.

Honorable Judges, Ladies and Gentlemen: My colleague has shown you the conditions existing in the sweated industries. He has pointed out: first that an adequate remedy for these evil conditions can be found only in wage legislation, since the essence of the sweat-

ing evils is the low wage and since no other means will secure an adequate living wage. Organization of workers is impossible, the economic law of supply and demand will not apply, and all other legislative remedies attempted, sanitation measures, licensing, inspection, and the like are ineffective since they do not go to the root of the matter, really requiring Minimum Wage legislation to make their enforcement possible. In the second place, my colleague pointed out that the principle of Minimum Wage has the endorsement of experience and authority,—that it is not new nor untried, since Australia, New Zealand, and England have all enacted Minimum Wage legislation; since at least three American states are now considering similar measures; and since a magnificent army of economists, political scientists, and authorities on labor matters have placed themselves on record as favoring such legislation.

It is my purpose to show you, in the first place, that Minimum Wage legislation applied to our sweated industries will in practice accomplish the needed reforms, because it will benefit the worker and employer; it will protect the public and strengthen the nation. In the second place Minimum Wage legislation is the outgrowth of present tendencies and is in accord with accepted American principles.

Any proposal to reform an existing evil is always met with the demand for a definitely outlined and minutely detailed plan. This demand always comes from opponents of the proposition with the hope that some minor point will be defective and through this they will be en-

abled to attack the whole great principle involved, when this minor point, if really defective, could and inevitably would be corrected after a short time in actual practice.

With this in mind we realize how impossible it is to outline a plan that will be so perfect as not to admit of improvement. We can, however, judge from plans that have been successful what is probably the best general principle to follow. In Australia they have boards composed of an equal number of employers and workers with a disinterested third party acting as chairman. In New Zealand, they have obtained the same object through compulsory arbitration. In England, they have wage boards for each trade. In Minnesota the English plan has been proposed with slight modifications. In Wisconsin, they have a distinctly American plan proposed, modeled after the idea of corporation commissions. In Massachusetts, there has been introduced a bill prepared according to the plan devised by a special committee of the Consumers' League. So you see, while details vary, the same great principle runs through all the plans.

Following the general idea embodied in all these different plans, we would suggest wage boards so constituted as to represent both employers and workers that would, by fixing a fair time rate as a basis, establish the piece rates of the sweated industries, under which the normal worker will earn a fair day's wages and justice will be done to all. There would need be no permits to the slow and to the old. Each worker would be paid the same for the same amount of work, without regard for the time spent upon the work. Those who worked rap-

idly would not be deprived of just compensation for their extra efficiency, while those who worked slowly would be paid in the same proportion.

Since my colleague has shown the evil conditions that exist in the sweated industries, and has proved that an adequate remedy can be found only in wage legislation, and that the plan has the endorsement of experience and authority, I now propose, having briefly outlined the plan, to show you that Minimum Wage legislation in practice will accomplish the needed reforms, and that it is the outgrowth of present tendencies, and in accord with accepted American principles.

Minimum Wage legislation in practice will accomplish the needed reforms, first, by its benefit to the workers. There occur to us several ways in which Minimum Wage legislation would benefit sweated workers. In the first place, it will protect him from unscrupulous employers. My colleague has shown you how it is practically impossible for the laborer to refuse any contract offered him. Minimum Wage legislation will compel the employer to observe the moral rule that the strong should not take advantage of the weak. It will protect the ignorant laborer from injustice in the same way that present laws protect helpless borrowers from exorbitant interest rates. The man in the organized trade is now protected by his union. In those trades the employers are compelled to recognize that the workers are entitled to a living wage. Minimum Wage legislation offers the sweated worker the same protection, but through governmental authority in place of the unattainable union.

It will benefit the laborer, in the second place, by keeping his wages adjusted in proportion to the cost of living and the wages in other industries. It is a startling point shown by Adams and Sumner in their "Labor Problems" that wages in the sweated industries have within the last decade decreased. This statement was reasserted and verified by the investigators of Elizabeth C. Watson, who writes in the Survey, 1911. Again in the International Steam Engineer we find R. G. Moser saying: "Conditions of the sweated workers are gradually becoming worse." And Constance Smith in her book, "The Case for the Wage Boards," on page three, says that the home worker is worse paid than she was twenty years ago. These facts stand out as *prima facie* evidence that Minimum Wage legislation is needed in our sweated industries to assure a living wage. When in spite of increasingly high cost of living and consequently increased wages in every other line of industry, wages in the sweated industries are decreasing, we are forced to demand a Minimum Wage established on justice for the sweated worker. Such boards as we have suggested will fix a wage that can be changed to meet conditions; not one that will forever remain the same. When prices rise and wages in every other line of industry advance it will be their duty to see that sweated labor receives its just compensation, and to change its wage to meet altered conditions.

Again, it would place labor on a higher level and elevate the entire industry. Competition, if left absolutely alone, in any sweated industry always forces wages down-

ward. A Minimum Wage would fix a point below which competition could not force wages of a sweated worker. As one writer says, it would fix a wage where all competition would be compelled to begin. Thus labor would acquire additional dignity. An example of this is shown in New Zealand, where the principle of Minimum Wage has been in operation for several years. Shofield says that many industries which were once considered almost disgraceful are now the aristocracy of labor.

Moreover, a Minimum Wage would not, as is thought by some, fix a maximum and compel both skilled and unskilled to accept the same wage. There will be nothing in our law to keep employers from paying as much as they please, or the laborers from getting as much as they can. Shofield says that there is scarcely a factory in the whole of New Zealand that does not disclose a large number of workers with wages above the minimum fixed by law. And J. E. Le Rassignol, in the *Quarterly Journal of Economics*, for August, 1910, gives the conclusive statement that in Auckland, New Zealand, 61 per cent of the laborers of that city receive more than the Minimum Wage, and similar figures show the same thing to be true in other cities. This shows that in actual practice the Minimum Wage does not fix a maximum, and the more skillful is given just compensation under this system.

Thus far I have shown that Minimum Wage will benefit the laborer, because it will protect him from unscrupulous employers; it will keep his wages in proportion to living conditions. It will place labor on a higher level

and elevate the whole industry; and it will discriminate justly according to the efficiency of the laborer.

Not only will Minimum Wage benefit the laborer but it will benefit the employer. It protects the humane employer from competition with the inhumane sweater. To raise wages does not always mean detriment to employers. Some employers in our large cities are trying to pay their employees a decent living wage, but are unable to do so because of the competition with the man who employs sweat-shop labor at cut-throat prices. Victor S. Clarke says: "The better class of employers rather court some provision that frees them from competition of the less scrupulous man." This law will make it possible for honorable employers to engage in business without fear of competition from unprincipled bargainers who will stoop so low as to take advantage of poor and ignorant, and pay such wages as are common in the sweat-shop.

Again it will benefit the employer since well paid labor is more profitable than underpaid. Samuel Gompers says: "There never has been an employer whose products depended upon the masses, who has ever tried the experiment of giving his workers fair wages and reasonable hours, who has ever regretted the experiment and few have not become ardent advocates of the system they find so beneficial." It is shown by the British commissioner, Mr. Aves, that in America, where wages are relatively high, the cost of production is less than anywhere in Europe, where wages are from seventy-five to a hundred and fifty per cent lower. Mr. E. D. Shields says,

writing in the *World Today*, September, 1906, that it has been shown that a woman working a part of the time, well paid and nourished, will produce more than one working all the time under the evil conditions of the sweat-shop. These facts and authorities prove conclusively that when employers pay a living wage the efficiency of the laborers will be increased to such an extent that their ability of producing will be a great deal more than the increase of their wages.

The employers themselves recognize the advantage of such an act. A goodly number favor such a measure. In New Zealand, Le Ressignol says: "Employers often ask that a wage be fixed in their industry." The personal investigations of Ernest Aves, the British commissioner, shows the following important facts: In answer to the questions sent to the employers, "Is legal adjustment of wages advantageous to employers?" 81 per cent answered *yes*. To the question, "Is legal adjustment of wages advantageous to your trade?" 79 per cent answered *yes*. To the question, "Is legal adjustment of wages advantageous to the community?" 78 per cent answered *yes*. Honorable Judges, what better evidence could you ask that this legislation will benefit the employer, than these statements from the employers themselves that they favor it?

Not only will wage legislation benefit the laborer and the employer, but it will protect the public. It will prevent the spread of all kinds of germ diseases. My colleague showed how the sweat-shop because of conditions resulting from insufficient wage is a menace to the public

health. We need the proposed legislation to protect the public from tuberculosis and other infections. For, as the first affirmative speaker pointed out, it is impossible to enforce and make effective our laws of sanitation so long as the workers are hungry, cold and underpaid. A Minimum Wage law, by making possible more sanitary conditions among the workers, will greatly lessen the danger to the public of infection from the sweat-shop diseases.

Nor will this raising of wages of the sweated laborer materially advance the price to the consumer. H. D. Lloyd points out in the Independent, September, 1910, that wages in the clothing industry since the establishment of the Minimum Wage in Victoria have increased 68 cents per week, and that of the baking industry \$3.75 per week, while there has been no increase whatever to the consumer in either the cost of clothing or of bread.

Besides being a benefit to the laborer, employer, and to the public, Minimum Wage legislation will also strengthen our nation. It will protect future generations. When the mother must live and work in the sweated home, her children are not only deprived of a fair chance by heredity, but they must grow up in the worst of homes where the mother has neither time nor ability to care for them. A wage that makes it possible for the husband to earn the living for the family, thus giving the wife time to attend to the duties of motherhood would be of untold benefit to future generations. Since then, as we have seen, Minimum Wage legislation will not only benefit the workers, employers and the public, but will assure

a fair opportunity to coming generations, dignifying and elevating labor, national conceptions of such a measure could not fail to inestimably strengthen our nation.

Thus we have shown that Minimum Wage legislation, by benefiting the laborer and the employer, by protecting the public and strengthening the nation, will in practice accomplish the needed reforms.

It now remains for us to show that Minimum Wage legislation is the normal outgrowth of present tendencies and in accord with accepted American principles. It is the outgrowth of all previous labor legislation. Miss Sarah Whittelsey says in her book on Massachusetts Labor Legislation: "One of the great discoveries of this century is the necessity of the restriction of labor. The state alone stands in strength and position fitted in assume the responsibility. The state must interfere to protect the interest of labor. It may interfere to equalize conditions of contracts as between employer and employee, and it may intervene to protect the standards of living of the workers." Within the last fifty years labor legislation in the United States has given us the eight hour day; child labor laws, and sanitation and factory inspection laws. All of these laws embody the same principle as Minimum Wage,—that of prevention of cause rather than cure of effects. Victor S. Clark says: "Similar measures, as those in Australia and New Zealand, could be passed anywhere in the United States without exciting comment as a bold departure from our precedents and institutions." Three states are now considering such laws and yet it is not a matter of general comment.

Did many of you know that Massachusetts was considering Minimum Wage legislation? Did the newspapers and magazines herald the proposed law in Minnesota as an extraordinary event? And did the bill proposed in Wisconsin become a matter of common knowledge? All these questions must be answered in the negative. Honorable Judges, is not this sufficient to show that this law is in direct accord with present labor legislation?

This law is in accord with American principles. While there is much criticism of labor unions, yet they have become part of American institutions, and their fundamental principle, admittedly good, is the securing of a living wage. Our law proposes to take the same principle and place governmental authority behind it so it can be carried out in the sweated industries where it is most needed and where unions are impossible.

Furthermore this law involves that great American principle that the government should help the helpless by enabling them to help themselves, so they will not be compelled to accept the disgraceful contracts offered them by unprincipled employers. This is not the work of charity but is a law that simply gives a square deal to all the people of the United States, and the square deal stands for the greatest principle of American democracy.

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THE MINIMUM WAGE

CLASS DEBATE AT OTTAWA UNIVERSITY.

The Sophomore Class, 1913, of Ottawa University, supporting the affirmative of the question given below was defeated by the Freshman Class, 1914, in their annual debate at the University Chapel, March 10, 1911, the decision of the judges being two to one for the negative. The question was stated and submitted by the sophomores.

Resolved, That a Minimum Wage scale to be operative in workshops, factories and department stores should be provided for by law.

THE MINIMUM WAGE

OTTAWA vs. OTTAWA.

FIRST AFFIRMATIVE, MR. GEORGE PETERSON.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: When hardly a century and a half ago, tired of the despotic tyranny of the mother country, our forefathers declared their independence, the primary idea which prompted their action was the equality of man and the right of each individual to his or her personality. When seven years later, they were standing face to face with the great task of forming a constitution this same principle formed the basis of that great constitution which they have handed down to posterity. We boast of living in a free and independent nation, where all are treated equally; and rightfully we should, for during the history of this great nation, during the evolution of this great constitution, when circumstances and surroundings have so wrought it that men were not treated equally, our legislatures have brought about such legislation as would secure this end. Many problems have confronted the wise men of the different generations, which have all been handled more or less successfully. Today we stand face to face with one of these great problems: namely, that of Labor and Capital. The heated discussion of this prob-

lem has led to the formation of the question which we are to discuss this evening: namely,

"Resolved, That a Minimum Wage scale, to be operative in factories, workshops, and department stores, should be provided for by law."

It is probably needless for me to go into detail in defining this question. Suffice it to say just a word concerning the term, Minimum Wage. According to legislation, a minimum wage is to be fixed below which no employer may pay. However, it does not prohibit any employer from paying a higher wage than the minimum wage scale dictates.

We all know that there are in this country a great many people who depend wholly on their wages for livelihood. There are many families whose living is dependent on the wages of the head of the family. And what is more, there are many families, many boys and girls, whose lives are to be shaped by education and by moral training, all of which are dependent on the amount of wages the wage-earners of these families receive. In view of these facts we can easily imagine the condition of affairs in many of the families where an insufficient wage for a decent livelihood is earned. And when I use the term, decent livelihood, I mean the necessities of life in the way of food and clothing, the proper amount of education and of moral training, and so forth.

Although it is a disgrace to us and to our nation, nevertheless it is a fact that these conditions exist in our country today. John A. Ryan, one of the best authorities on the labor question in this country, after having

made a careful investigation of the cost of living for the average family has found that it amounts to at least \$800 per year. On the other hand, after making a careful investigation of the average amount of wages received, he found it to be only \$600 per year. Now these are not figures under abnormal conditions, but under perfectly normal conditions. And, honorable opponents, while you are holding that the present conditions are all right, we wish to have you keep these figures plainly in mind. These undisputed figures show that in this free and independent nation where the equality of man is so clearly recognized, we are forcing a class of citizens into slavery. Can the negative recognize these conditions and still hold that some change is not imperative? There is something the matter with the present system and some great social injury will come from it. ✓

This lack of wages has led to what is known as parasitism. There are two forms—mild and extreme. If conditions were as they should be the head of the family would be able to earn a living for the whole family, but where wages are so low that the head of the family cannot earn the living the child and wife are both forced to work. This is parasitism.

Mild parasitism has probably but little to do with this question. However, there are cases where the young people of the family are employed in factories and department stores and who do not earn a sufficient wage for a living, were it not for help they receive from home. There is probably no moral injury in this, aside from the fact that the employer hiring these people at less than a living

wage has a decided advantage of the employer who pays a living wage.

However, whether mild parasitism has any particular weight in this discussion or not, we shall not stop to consider. But it is a fact that extreme parasitism bears directly on this question. As was stated before, the head of the family should be able to earn a living for the whole family so that the children could obtain an education and so the mother could attend to domestic affairs. But where conditions are as they are here today, both child and mother are forced to help work in earning a living. Hence, there is a great moral injury both to child and mother.

Except possibly during school vacations no child of either sex under the age of sixteen years should be employed as a wage earner. Until that age the child is not sufficiently strong to work day after day under an employer. But besides this physical injury he receives, he is also greatly injured intellectually. If he is taken out of school before the age of sixteen he gets less than a fair proportion of the educational opportunities so generally provided by the state for the benefit of all. He is able to receive no higher an education and maybe not even as high an education as his parents, and hence, instead of rising out of his class, he remains where he is, or maybe even sinks lower.

But this physical, or even intellectual injury to the child is nothing in comparison with the moral injury to the mother. How many mothers are forced to work from morning till night in our department stores and factories

to help earn a living for the children who stay alone or who roam about on the streets and who only know their mothers as strangers? How many mothers are there who are forced to work from week to week, their only thought being to earn a living for their loved ones, with no opportunity to make home life pleasant? How many mothers are there who are forced to work in these department stores and factories and are thus made unfit for that greatest service for which God has placed them in the world? When a mother becomes a wage-earner she can neither care properly for her own health, rear her children aright, nor make her home what it should be for her husband, her children, and herself. Somebody has said that when the wife becomes a wage-earner she is no longer a wife, and yet in view of all these moral injuries, men have the audacity to call this a free and independent nation—a nation where all are treated equally. I would like to ask what freedom the mother enjoys whose whole life is one of labor and toil under these conditions? Or what independence a father enjoys when he is bound by the bonds of necessity to work for less than a living wage? Or what pleasure the growing child enjoys while he is forced to grow up without the benefits of an education or of home life?

Now, Honorable Judges, in view of these conditions, of these moral injuries both to child and mother, we argue that some change is imperative. Would that I had the time to remind you of some of the immoral conditions existing among our laborers all because of the lack of sufficient wages to live properly. Families huddled to-

gether in unsanitary houses, without half decent food or clothing. Children grow up without the proper training of a mother or the necessary discipline of a father, or even the first fundamentals of an education. Will these children rise above their parents morally and socially? Will they become more fit for the cares and burdens of men and women? Will they even become decent citizens of a civilized nation? And still you say we are living in a free and independent nation! If the negative wish to oppose our plan they must do it strictly on an intellectual or social basis, for certainly placing it on a moral basis the affirmative has a decided advantage. It is on this basis, Honorable Judges, that we wish to discuss this question. Certainly it is a most legitimate basis.

Honorable Judges, I repeat it, some change is imperative. If then some change is imperative, it remains for the affirmative to show that the Minimum Wage scale is the only suitable remedy. Industrial education or restriction of immigration or some such plan might be advocated to take its place, but these do not strike at the bottom of the question. Industrial education is very good, but it alone cannot solve the problem. For how will you educate a family as long as it must spend its whole time in earning a living? Not until the head of the family is able to gain a living for the whole family will industrial or any other kind of education help these laboring classes. And the head of the family will not be able to earn this sufficient wage until the Minimum Wage scale is brought into effect. These substitutes all

work well along with the minimum wage, but they cannot take the place of the Minimum Wage.

As has been stated before, some change is imperative. The negative may ask, why is such the case? They may contend that we cannot all expect to have these privileges, that some of us will have to live under these conditions, and that no matter what we do this class of people will still exist. Now, Honorable Judges, this is not the proposition at all. If we give every citizen a chance to earn a living then, whether he gets it or not, we have done our part. But not until we have given him this chance, this opportunity to rise out of his class and become somebody in the world, have we done our part.

If men are born equal they should be treated equally. God has endowed each individual with a personality, something which each individual has a right to expect protection over. If men are equal as far as personality is concerned, let them be treated equally in this matter of compensation for service. I do not mean by this that every man should be worth the same amount of money, or anything of that sort; for if God has given one man more ability than his brother, he should be expected to rise higher. But what I do mean is that as far as the advantages of conditions for rising is concerned, they should be the same for each and every person. And it is this that we are arguing for this evening. As long as a man is not receiving sufficient wages to support his family, he is not on a par with his employer who is accumulating wealth. We claim that the Minimum Wage scale is the only thing which will raise this wage, and

hence is the only thing which will better the condition of the laborer. It is the moral duty of the employer to see that his employee receives a living wage. But if the employer fails in this duty it is the duty of our legislature to bring about such legislation as to secure this end. I repeat it, Honorable Judges, it is our moral duty. It is our duty to God and to humanity to see that these citizens receive the same privileges of citizenship, education and moral training as we, and when conditions prohibit them from obtaining this, I say some change is imperative.

Economists would have you believe that under normal conditions an employer should have fair interest on the money he has invested. They say it is perfectly right that he should receive a good interest on his money, but they fail to give sufficient weight to the fact that the employee must have a living wage. When all has been considered, we shall find that the employee receives his living altogether from his wages, while the employer receives his living, and even the luxuries of life, from his income. Now, Honorable Judges, which of the two is the more necessary—the livelihood of the laborer, or the luxuries of the employer? Surely the former. Then, must you not concede that the laborer should receive a living wage just as soon as, and even sooner than the employer receive an interest on his capital. It is really a fact, Honorable Judges, that many an employer is receiving a large profit only because of underpaid labor. Now we are not complaining because some men, on account of their position, are able to accumulate great wealth, but what

we do want is that each employee receive a fair wage and then leave a sufficiently good profit for the employer. And if an industry exists which cannot secure both of these ends, I say let that industry fail. Then what we would advocate is that a Minimum Wage scale be established which will insure a living wage for the employee; and then if an industry cannot exist under these conditions let it fall, and let those take its place which can pay a living wage and still leave a good profit for the employer. The idea of an industry existing at the expense of human lives is far too expensive for the good of society and the welfare of the nation.

How should wages be determined? By the productive ability, or by the necessary wants of the laborer? It may seem absurd to say that a man's wants and not his productive ability should form the primary basis for determining wages, but nevertheless I think it should be so. You will agree that it is the moral duty of the employer to see that his employee receives a living wage. According to this, even if a man is not able to turn out as much goods as his fellow workers, nevertheless he should receive a living wage. Indeed, it is true that a man's productive ability should enter into his wage, for it would be insanity to say it did not. But what I mean is that a man's necessary wants should form the primary basis for determining wages, and his productive ability the secondary basis for determining wages. God has placed sufficient resources in the world for all of us, and it is no more than right that each one should demand his share; even if a man is not capable of turning out

as much goods as his brother, still he should have a living wage. However, this is not saying that the proficient laborer should receive no more wages than the less proficient workman, but it is saying that the latter receives a living wage, and then if the former should have more, let him have more.

Now, Honorable Judges, I have shown that the average wage in these industries is not sufficient for a decent living. I have shown you the immoral conditions resulting from this situation. I have also shown you that these conditions, with the equality of man and the right of the protection of personality, demand some change. In view of these facts, we maintain that a Minimum Wage scale, to be provided for by law, for department stores, factories and workshops, is imperatively demanded.

SECOND AFFIRMATIVE, MR. LEON STITH.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: It is my purpose to proceed with the constructive argument of the affirmative, and to refute any statements that may appear to bear negatively upon the main issues of this question. The first speaker on the affirmative has shown you the truth of two propositions. First, that under the present adverse wage conditions in a large number of our workshops, factories and department stores, it is impossible for the average laborer to earn a living wage. Second, that if this unfortunate class of labor is to be rescued from progressive individual and social degradation, a remedy for this condition is imperative. It is my purpose to show the reason for the

present extremely adverse wage condition, and having done this, to propose a remedy for this condition, and then to show that this proposal is based upon sound principles of industry and government.

In the first place, the present adverse wage conditions in a large number of our factories, workshops and department stores lie in the fact that wages are not determined by the amount that is necessary to support the average laborer in health or physical efficiency, but are determined by the relative bargaining strength of the two parties to the wage contract. Professor Richard T. Ely, a well known economic authority of this country, and whose text-books are accepted as standard all over the world, states the law of wages as follows: "Wages will fluctuate between an upper limit based upon the actual value of the laborer's contribution to the product produced and a lower limit determined by the standard of subsistence of that laborer or class of laborers, according to the relative bargaining strength of the two parties to the wage contract." "That is, the upper limit of wages is based upon the actual value of the laborer's contribution to the product produced, and with normal economic conditions, wages will not rise above this point," but in regard to the lower limit of wages based upon the standard of subsistence, he says further: "The standard of subsistence is not always sufficient to prevent wages from sinking below this point, and will ultimately, under certain economic conditions of strenuous competition, sink to a point that is based upon the laborer's ability to endure an existence upon a wage that provides for only the

barest possible necessities for that existence." Thus we see that the standard of subsistence becomes absolutely a physical standard, and no longer a human standard, but an animal standard, if you please. We see the operation of this law of wages which depends upon the relative bargaining strength of the two parties to the wage contract, in the actions of a large number of the labor organizations of this country, which, by their superior bargaining strength are able to force an employer to pay a wage that he would not voluntarily have paid.

When we take into consideration the relative bargaining strength of the two parties to the wage contract in those industries that we are proposing to benefit, we find on the one hand Capital strongly organized, representing employers that do not take into consideration the serious nature of the individual misery, and social evil that obtains as a result of their unscrupulous exploitation. These employers with their banded capital consider nothing but their own financial welfare and individual interests, and continue to pursue a policy of almost inhuman exploitation to the most extreme limits. On the other hand, we find Labor, poor, weak and unorganized. The constant poverty of these employees and their incessant battle for the physical necessities of life, causes this class of labor to remain weak and unorganized. Their constant fear of being thrown out of employment altogether and becoming objects of public charity causes them to lack utterly the proper spirit and power with which to resist successfully the crowding down of their wages. Now in these three industries, especially, with one party

to the wage contract powerful, unscrupulous, and absolutely unrestrained by the government, to exploit employees as they see fit, and the other party to the wage contract absolutely lacking the spirit and power with which to resist this outrageous exploitation or legal robbery, is it any wonder that the present extremely adverse wage conditions obtain? Now, in consideration of the fact, first, that under the present extremely adverse wage conditions in a large number of our factories, workshops, and department stores, it is impossible for the average workman to earn the living wage, and in consideration of the fact, second, that if this class of employees is to be rescued from the progressive course of degradation that they have been forced to follow in the past, a remedy for this condition is imperative, the affirmative is going to propose a remedy. The proposal will restrict and regulate the blind operation of that economic law which depends upon the relative bargaining strength of the parties to the wage contract, and will have behind it the power and authority of law and government. The measure that we propose, and which is designed to benefit this unorganized and helpless class of labor is that a Minimum Wage scale to be operative in factories, workshops, and department stores should be provided for by law. This wage would be based upon the amount that is absolutely required to maintain an average laborer at least in physical health and efficiency. The employer could pay as much more than this wage as he saw fit to pay employees deserving a higher wage, but he would be prohibited by law from paying less, and an employee would

be prohibited by law from receiving less. This legislation would be based upon the principle that every laborer has an indisputable right to at least the conditions under which it is possible for him to earn a living wage.

This measure is not an untried theory, but is operating today, and has been for several years, in various countries. Victoria, a state of Australia, provided for a Minimum Wage by law, through the machinery of Minimum Wage Boards in 1896, and this enactment has operated successfully ever since. And the people of that British colony today declare that they would by no means go back to the old policy of non-regulation of wages that was endured prior to 1896. New Zealand, and every country in Australia today have operating laws providing for a Minimum Wage scale. An act providing for a Minimum Wage scale in Great Britain went into force in January, 1910. The people of Great Britain are strong supporters of this enactment.

From an economic standpoint it might be argued by the opponents of Minimum Wage legislation that an increase in wages would cause an increase in cost of production of those commodities that are produced by the industries that we are proposing to regulate, and thereby be followed by increased prices to the consumer. This, they say, would tend to lessen the total demand of the total number of consumers. And this would result in the throwing of a number of workers out of employment. We reply by holding that an industry that produces commodities for which there is not sufficient demand to enable an employer to pay his necessary employees a living

wage has no valid reason for existing, and, if necessary, both Labor and Capital in such an industry should be driven out into other channels of industry, where the more necessary commodities of life are produced, and for which there is always sufficient demand to enable that business to pay a living wage to its employees. We hold that this Minimum Wage measure would go a long way toward bringing about the mobility of both Labor and Capital, and would insure a more proper and better distribution of both. For instance, the congested labor conditions of the large cities would to a large extent be relieved, and laborers would be driven into the agricultural districts where better economic opportunities await them, and whereby, through their work they could increase the production of the necessities of life, and thereby decrease the cost of living of society in general. Increased wages would not necessarily be followed by increased prices, because those laborers that we are proposing to benefit would in most cases be raised from a subnormal physical condition to a normal physical condition, and thereby their total production would be increased, and tend to make commodities cheaper. Those laborers that were driven into the agricultural districts would also be doing their share toward making the necessary commodities more plentiful and cheaper. But if we granted that increased wages would be followed by increased prices this would not be an argument against our proposal, for increased prices would not cause the laborer to lose as a consumer what he gained as a wage earner. The reason for this lies in the fact that the total number of con-

sumers of this country is approximately ninety millions, and the total number of exploited workers that we are proposing to benefit is approximately four millions. On account of the total number of consumers, a very small rise in prices would be sufficient, if any were necessary, to enable the employer to pay a living wage. The rise in prices, if any, would be borne equally by every consumer in this country, but the total number of consumers would bear over 95 per cent of the burden due to increased prices, because the total number of exploited workers would not exceed four millions, or less than five per cent of the total number of consumers. We hold that every consumer should pay a price for the commodities of labor that he consumes sufficient at least to enable the laborer to maintain physical efficiency.

This legislation would be exactly in line with that which has been enacted in this country within the last fifty years. It is based upon the same principles of government as those laws which provide for sanitation and safety in factories, those laws that establish a maximum number of hours for men, women and children in certain industries, and those laws which provide for a minimum age for working children. A number of states in this country have enacted legislation that interferes with freedom of contract in the matter of wages, and these laws have been held constitutional by the Supreme Court of the United States. Surely the conditions under which a laborer may earn a living wage are as important and necessary as conditions of safety to life, limb and vitality, in the factories. These state laws that have been en-

acted by several states, which have interfered with freedom of contract in the matter of hours, and which have granted privileges or immunities to certain classes, have been upheld by the United States Supreme Court on the ground that it is the right and the duty of the state to exercise its police power in the interests of the public health, especially of the weaker classes. In its decision sustaining the eight-hour law in Utah for male adults working in mines, the court held "that in dangerous and unhealthful employment the employer and employees do not have equal power as parties to the wage contract, and the workers are practically constrained to obey the rule laid down by the employers, and in such cases the state has a right to interfere in the interests of the workers." This is a frank admission of the fact that unlimited freedom of contract is not the unmixed good that some would attempt to have us believe. This decision also recognizes that when the two parties to the wage contract have unequal bargaining strength the government should treat them as unequals and not as equals. It is precisely upon these constitutional principles that have been exercised by the Supreme Court that Minimum Wage legislation is justified. The public welfare clauses of the constitution and these decisions are indisputable constitutional argument for interference of freedom of contract in the matter of wages.

The first speaker on the affirmative has shown you that under the present wage conditions, especially in a large number of workshops and factories and department stores, it is absolutely impossible for the workers to earn

a living wage, and that in order to prevent a progressive social evil a remedy for this condition is imperative. I have endeavored to show you the reason for this extremely unsatisfactory wage condition, have proposed a remedy, and have endeavored to show that this proposal is based upon sound principles of industry and government. The next speaker on the affirmative will show in detail how Minimum Wage legislation has benefited those countries in which it has been enacted.

THIRD AFFIRMATIVE, MR. JOHN A. SHIELDS.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My opponent who has just spoken has entertained you delightfully by erecting a "straw man" and then tearing it down. If he can make eleven dollars a week in Leavenworth working at the bakery trade how much could he work out of a gullible class of people if he should set up a fortune teller's booth? We have not yet said a word about a federal law, and all of his references to "such a law as the affirmative has proposed" amount only to rhetorical effect, because we have proposed no law, and do not intend to propose such a law as he has been trying to lead you to believe that we are defending. He has juggled considerably with figures, in dealing with average wages. His reference to \$840 a year is not worthy of consideration, inasmuch as it does not deal with the class of people we are seeking to benefit under the terms of this question. Be it known that we do not propose a Minimum Wage for railroad presidents, corporation managers, and the like. All such

employees are considered in the average that he mentions. Consider the average salary of the workingman, the wage-earner, in the branches of industry mentioned, and you will find it far below \$400 a year. Be that as it may, it is not the average workman, even, that we seek to benefit; it is the workman who is receiving less than a living wage. He has only demonstrated his ignorance by saying that Minimum Wages have been tried only in England. He has not met us at a single point. He prefers to manufacture affirmative arguments as he wishes they might be, and then tear down what he has built up. Why does he do it? Presumably because it is easier to answer the arguments we do not make than those we do make.

My first colleague has pointed out that existing conditions in workshops, factories, and department stores should be improved by an increase of the wages of the most poorly paid, and that such an increase as is necessary has not been and cannot be brought about under our present system. My second colleague has taken up in some detail the reasons for present conditions, and has proposed a Minimum Wage scale as a remedy.

We maintain that every one who is willing to work is entitled to a decent living and fair conditions under which such a living may be earned. That much is the unalienable right of every member of the human family. My opponents will not deny it; upon this premise we rest our whole case. As has been shown, not only is the great proportion of the laborers in the given industries receiving less than a living wage, but also there is no visible

indication that conditions as they now are will be better. The very fact that conditions are as they are is *prima facie* evidence that our present system is not able to cure the disease that it has caused.

Basing our demand for a change upon the right of all to a living wage, the affirmative advocates a legal enactment which will "provide for by law" a Minimum Wage for workers. My opponents have indicated that they are much concerned and disappointed because sweatshops and various other classes of industry not mentioned in this question are not to be placed under a Minimum Wage regulation. Well, in the first place, if Minimum Wages are such a failure they ought to be glad that the other trades are not to be "ruined," and second, we admit that a Minimum Wage would be a good thing for other trades, and advocate its establishment; however, since such trades are not included in the question, we shall limit ourselves to the discussion of the ones that are in the question. We propose to alleviate conditions by providing by law for Wage Boards, not unlike those of Victoria and certain Australasian countries. The details of the plan cannot be entered into now; they would have to be worked out upon occasion.

We would provide for each state a Wage Board composed of, let us say, twelve commissioners and a chairman, with such inspectors and assistants as experience would show to be necessary. Six of these commissioners should be chosen representatives of labor, and six would represent the employers. The factories should have two Labor and two Capital representatives, and the work-

shops and the department stores should each have like numbers. If other trades were later included they should be similarly provided for. The chairman should be selected by the whole board. The four factory representatives, with the chairman, should be a select committee on that branch of industry, and the representatives of the other industries should act as special committees, in like manner. The findings of these select committees, with reference to Labor, should be reported to and acted upon by the board as a whole. There should be a national board, similar to the Inter-State Commerce Commission, or to the Supreme Court, which should act as a court of last appeal from the state boards, thus equalizing the determinations of the various state boards.

It should be the duty of these state boards, and their assistants, to determine the lowest possible decent living wage in each community or section, and set a Minimum Wage below which it would be illegal for an employer to pay. This lowest living wage would not vary greatly in different sections of a state; a little fluctuation could be provided for as necessary by the boards. In that way my friend who worked for eleven dollars a week in Leavenworth might get only ten in Ottawa, provided ten dollars were the lowest sum upon which a man in his trade could decently live here. I do not know whether or not there is any connection between his wage of "leven" dollars and the town of "Leven"-worth in which he earned it. We do not favor a rigid law for any single state, much less the nation, as he would have you believe we do.

We advocate the election of these state boards by the most approved primary election system, each representative being elected by the particular branch of trade which he is to represent.

We believe that the Minimum Wage should be graduated; that it should be different for different sections, and that differences should be recognized between men and boys, and women and girls. Of course there would be no Maximum Wage set, and all reference to the Minimum becoming the Maximum is made for the purpose of deceiving you and beclouding the issues involved.

Laws similar to the one we propose have been practically tried for fifteen years in Australasia with such success that a similar law is now applied to certain classes of labor in England. My opponent has attempted to show that this English law is the only law of the kind ever tried, and that it has failed. It might be well for him to remember that it has been in actual operation only a few months, and that up to the present time there are no reports on its workings. It has been so successful, however, that it has drawn the warmest praise from the International Association for Labor Legislation. This is not a report; it is not merely a statement. I have it in a letter from the American branch of that association. "This association congratulates the British Parliament on having taken the initiative in Minimum Wage laws . . . The best provision against the abuse of home work is, at present, the institution of wage boards corresponding to those which the British law has just established." My opponent has no authoritative

statements. He is merely wishing that this law might fail, and is attempting to palm off his wish as an actual fact. This association is not composed of fanatics, but of some of the best economic thinkers of the age. Among its vice-presidents and administrative council are such names as Jane Addams, Woodrow Wilson, John Mitchell, E. T. Devine, J. H. Gray (of the Minneapolis Journal), Owen Lovejoy, Seth Low (Ex-Mayor of New York and ex-President of Columbia University), James A. Lowell, of Boston, and many others. Such an endorsement as this should receive most careful consideration.

I here desire to present a statement from the Select Committee of Parliament, unanimously concurred in, referring to the Australasian wage boards. I have not time to read it. It heartily approves of the boards, and I submit it to stand unless its contents are denied.

Here is a letter from Frank A. Fetter, head of the department of economics in Cornell, recognized as the leading authority on economics in this country. He says, in part: "The general consensus of opinion is that the Minimum Wage plan is working well in Australia. The subject interests me greatly, and I have some convictions as to what the development ought to be in American countries, in the main in favor of the Minimum Wage plan."

Shall I impose upon your patience by quoting from another letter, from Professor John A. Ryan, formerly of Georgetown University, now of Saint Paul Seminary? He is considered the best authority on the Mini-

imum Wage question in America. The questions and answers are self-explanatory.

1. Q. Have the Minimum Wage provisions of the Australasian countries proved successful in bettering the conditions of the laboring class? Answer—Undoubtedly!

2. Q. Would some similar arrangement for a Minimum Wage be advisable in the United States, applying especially to factories, workshops, and department stores? Answer—Yes.

3. Q. Is the Minimum Wage law in Australasia enforced as well as other laws there? Answer—Yes.

4. Q. Is the amount of lawbreaking with regard to the Minimum Wage in Australasia comparatively small? Answer—Yes.

Allow me to refer briefly to this letter from Mr. J. Edward LeRossignol, University of Denver, who has just published a text book on economic conditions in Australasia, which is considered as the last word on the subject. He says that the laws are well enforced. He answers the questions relating to enforcement just as Mr. Ryan answered them.

-In preparing for this debate I secured letters and answers to specific questions from many sources, all from leading men, to which I cannot possibly devote the time that quotations would require. Here is an opinion expressed by Sir Thomas P. Whittaker, a Member of Parliament, who prepared the report of the Select Committee of Parliament on the Wage Board Question. He is strongly in favor of such a law. I submit the statement as proof, and will not read it unless it is contra-

dicted, or unless my opponents desire to challenge my statement of what he says.

Here is a statement from a Select Committee of South Australia. The Committee declares (1) that wages have been considerably increased in a majority of the trades; (2) that out-workers have considerably decreased in number; (3) that strikes have been abolished; (4) that women operatives have benefited considerably; (5) that sweating has largely disappeared.

Mr. Ernest Aves, a Special Commissioner, under special command of His Majesty, Edward VII of England, to investigate Wage Boards in Australasia says: "There is, in Victoria, a great preponderance of opinion among all classes in favor of the retention of the boards." Here is a statement, in part, from Senator Hinchcliffe, of Brisbane: "Generally speaking, I favor wage boards. . . . They do much toward securing a fair wage and improved conditions, especially in the large centers of population."

I have gone to no little trouble to secure data and construct a number of charts which I wish to introduce as bearing upon this question, as showing it to be a fact that wage boards are all that we have claimed for them, and that they are not the failure that our opponents would have you believe. (Mr. Shields presents a large chart.) This chart is composed of data secured from a large number of letters and statements secured from employers, employees, and others in Australasia, where the Wage Board system is being tried out every day. This kind of evidence is the best evidence obtainable, because

it is not biased. The preponderance of opinion favorable to wage-boards should weigh very heavily in making conclusions concerning wage boards.

(At this point Mr. Shields exhibited the following charts, each table on a large sheet by itself, reading and explaining very briefly the meaning of the various charts. The charts following are from material collected by Mr. Ernest Aves, British Commissioner, who has kindly furnished extracts from a large number of letters and full texts of many more) :

1. Do you approve of the Wage Board?

	Yes.	No.
Employees,	25	3
Others,	14	..
	—	—
	39	3

Here we have statements from thirty-nine people who are right on the field, working under the wage board every day. Twenty-eight are employees, and fourteen are not, and they stand thirty-nine out of forty-two for the wage board. (Some similar explanation was given with each chart as presented.)

2. Is Legal Adjustment of Wages Advantageous to employers?

	Yes.	No.
Employers,	35	8
Employees,	48	..
Others,	8	..
	—	—
	91	8

3. Is legal adjustment of wages advantageous to employed?

	Yes.	No.
Employers, . . .	33	3
Employees, . . .	45	..
Others,	7	..
	<hr/> 85	<hr/> 3

4. Is legal adjustment of wages advantageous to your trade?

	Yes.	No.
Employers, . . .	28	9
Employees, . . .	41	1
	<hr/> 69	<hr/> 10

5. Is legal adjustment of wages advantageous to the community?

	Yes.	No.
Employers, . . .	34	10
Employees, . . .	40	1
Others,	6	..
	<hr/> 80	<hr/> 11

6. Have wage boards improved conditions for workers?

	Yes.	No.
Employers, . . .	20	..
Employees, . . .	25	..
Others,	1	..
	<hr/> 46	<hr/> ~

Unanimously yes.

7. Should wage boards be extended to other trades?

	Yes.	No.
Employers, . . .	26	7
Employees, . . .	25	..
Others, . . .	13	1
	—	—
	64	8

8. Are chances for regular and certain employment increased, diminished, or unaffected by wage boards,
Increased. Diminished. Unaffected.

Employees, . . .	30	..	20
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9. Are relations between employer and employee improved by the wage board system?

Improved. Impaired.

Employees, . . .	20	3
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10. What is the effect of wage boards on the use of machinery?

Increase. Diminish.

Employers, . . .	53	1
Employees, . . .	12	..
Others, . . .	3	1
	—	—
	68	2

11. Have wage boards strengthened the factory system?

36 Replies, Unanimously *Yes*.

12. Do you know of any evasion of the determinations, as to wages or hours, during the past two years, by employers or employed, or both in collusion?

145 replies, 103 have *no knowledge* of such.

13. Have wage boards improved the industrial status of married women, the care of the home, the health and upbringing of children?

34 replies, *unanimously yes*.

Ladies and gentlemen, this is first hand evidence; I submit it as proof that the wage board system is effective and desirable. My opponents will not answer my argument. You will have the pleasure of hearing them talk about something else. They will read a letter from a sweat-shop industry, or a note from the boilermakers; but they will not answer our argument. (Here Mr. Shields exhibited a large chart containing an epitome of the foregoing, and it was allowed to hang exhibited the remainder of the evening.)

FIRST AFFIRMATIVE REBUTTAL, MR. PETERSON

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The first speaker on the negative began her argument by stating that she would grant that conditions were as I stated them in my first speech. She granted, according to her statement, that wages at present were not high enough for the average family to live on, and then she turned right around and contradicted herself by saying that a Minimum Wage scale was unnecessary in this country *because wages were high enough at present*. Now, which one of her statements to take I do not know, but as I doubt the truth of the latter, and as I fairly proved the former in my first argument, I shall take for granted that she is willing to admit that some change is imperative. It is surely absurd for the nega-

tive to stand before a group of intelligent citizens and say that some change is not necessary. Is it sensible to believe that the average man, working in the department stores, for instance, receives \$840 per year? Everybody knows this is not true. Perhaps if we should average every wage, from that of the presidents of our railroads and corporations, down to that of the girls in a clothing factory, all non-home-workers, such an average as \$840 might be found, and still fulfill the terms of "an average non-home-workers." Taking the average for the common laborers in the specified trades, we should find it less than a living wage, and hence some change is imperative.

She has accused us of furnishing no proof in the way of letters, when my colleague has just furnished thirty letters where she furnished one, giving a detailed account of statistics obtained from creditable sources—statistics which the negative have found it profitable to leave unmentioned and unanswered. My opponent read parts of two letters, and then tried to get around our figures by saying that we had read no letters. We leave it to you, Honorable Judges, whether we have read letters or not, in the meantime inviting your attention, and theirs, to our statistical compilations.

My opponent has stated that a Minimum Wage is not necessary either for employee or employer, and that neither desired it. Can you but doubt the accuracy of that statement with this chart of figures which my colleague has presented to you? We have shown, not by one letter from an employer and one from an employee,

but by scores of letters from employers and employees, that both factions are strongly in favor of the Minimum Wage, where it has been tried, because they know it is the only satisfactory solution of the problem.

Some change is imperative, and the "pathetic story" which the negative has charged me with painting in my former speech is not a bit of imagery, but is the true story of the condition of affairs. Wages in the specified industries, according to the statistics of my first speech, are not sufficient for a decent living. The equality of men, and the right of each individual to the protection of his or her personality demand that some change be made.

But not only did she say it was unnecessary, but she also said it was impracticable. If there is any one phrase which we as Americans cherish it is this: "All right in theory, but impracticable." And no matter what kind of a solution may be offered for a problem, someone is ready to hurl this "unanswerable" remark at it. In the first place, the Minimum Wage has been tried and has been proved satisfactory, by practically every labor union in America and the world; it has been proved satisfactory in those countries where it has been applied by the government. In the second place, because a thing is new is no argument that it will not work. In spite of their statement to the contrary, this plan has been tried in Australasia, and other countries, and has met with success. They merely expose their ignorance when they say it is untried; we have the government reports covering arbitration courts, as well as *wage boards* and

Minimum Wage scales. Conditions are different there, but there is no reason to think that the conditions would prevent such a plan from working here. It would be as reasonable for us to maintain that it would work better here; and we might advance a very little argument to prove that, and then advance as much as they have to disprove it. They have no right to say that it is impracticable as long as it has proved successful wherever it has been tried. My opponent argues that the Minimum Wage would throw out of employment all who are not able to earn a living wage. But under our "Australian plan" this is taken care of by the permit system. She argues that it would increase the unemployed. The problem is a problem of wages. There is employment in this country for all, and then more; we want to secure better wages for the poorly paid. If it throws some out of employment, they will seek it where they are more needed; hence, instead of working a hardship, it will be a benefit. We need some such law to force the workmen out of the cities. I have shown that our plan is desirable, practicable, and that the equality of man demands the change advocated.

SECOND AFFIRMATIVE REBUTTAL, MR. STITH

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The second speaker for the negative has made so many glaring misrepresentations that, in justice to my colleagues and myself, I must say that he surely has been most grossly misinformed, not only as regards the real purpose of Minimum Wage legislation, but also as

regards the actual facts in the case. He charges the affirmative of holding that the "question is not intended to cover sweated industries and home workers." He has told just half the truth, for it is evident that home workers are not included under this question, but, on the other hand, our whole contention has been, throughout our entire argument, that our Minimum Wage proposal is primarily designed to benefit the sweated workers of factories, workshops and department stores. For we hold that it is in these industries that by far the greater amount of sweating exists. The select committee appointed by the British government to investigate Minimum Wage legislation in Australia defined sweating to mean "those conditions under which the employee receives a wage which is entirely too meagre to maintain him in health and efficiency."

The first speaker on the affirmative made no mention of home workers nor did he quote any wage statistics in regard to them. It is exceedingly unfortunate for the negative that there is very little home work done in the United States, and that, furthermore, the statement of the question excludes it from discussion. Otherwise, so much of their argument would not go amiss.

We are proposing to benefit workers who have exceedingly low wages; that is, wages that do not provide for the actual necessities of life. Our proposal would in no way affect those employees who are already receiving such high wages that even if their wages were averaged with the miserably low wages of that unfortunate class we are proposing to benefit, the *average* would be

still high. Our proposal is not designed to raise the *average* wage of all classes, but to make it possible that a poor, unfortunate class of exploited workers may have sufficient food and clothing.

This proposed system is not inelastic, as charged by the negative; but, in fact, is more elastic than the system of our present unregulated conditions. Representatives from both labor and capital would meet from time to time and investigate the actual cost of living in the district or state represented, and a wage would be fixed that would at least provide the laborer with the necessities of life. Under our present non-regulation policy it takes years for wages to rise in response to any increased cost of living, and in some trades and districts there is no response to high cost of living in increased wages, whatever. We propose to bring about the proper relation between the cost of living and wages.

Minimum Wage legislation would not affect the fluctuation or elasticity of wages above this point, but it would provide for the determination of the cost of living in certain large districts where the cost is approximately the same, and fix the wage accordingly.

The remarks of my worthy opponent concerning Great Britain are decidedly amiss. We are not proposing Great Britain's plan for the regulation of wages. According to all reports the people of England are not ready at this time to express any opinion for or against their wage legislation, because it has been in force but a very short time.

The wage regulation that we propose will force an em-

ployer to pay his employees a living wage. Does any member of the negative team really believe that a large part of the workers of this country should not have a living wage? If you grant this, you must grant that an industry which produces superfluous commodities for which there is not sufficient demand to enable an employer to pay a living wage should not exist. Capital in such an industry might well be "intimidated" (as my worthy opponent feared it would be) from carrying on such an enterprise. Our worthy opponents are much concerned about the "intimidation" of capital, but show no readiness to be interested in protecting the vitality of human beings. Let capital be driven into those channels of industry where the necessities of life are provided for; it is there that it is most needed.

We hold that our proposal will restrict immigration to a large extent, instead of increasing it. Do you think that an employer would hire inefficient foreigners at a living wage when he could get Americans at that wage? The employer now hires foreigners because he can pay them very low wages. He would not be permitted to pay this low wage under our proposal. He would never hire foreigners until the supply of American labor was exhausted, because our own citizens are more efficient. Our first duty is to protect the vitality of our citizens, and, if necessary, immigration should be restricted.

We agree with the negative when they say that efficiency should influence the determination of wages, but we hold that every laborer who works and does an hon-

est day's labor should receive enough at least to live, and above this "living wage" efficiency will and should determine wages.

It is a gross misrepresentation for the second speaker on the negative to state that the written testimony and letters that the affirmative has presented refer to but one city, Melbourne, Australia. Our evidence is from no less than a score of Australasian cities. Every country in Australasia, except Tasmania, has at present a Minimum Wage legislation. The testimony of labor leaders of our own country is that their Union Minimum Wage never becomes the maximum wage.. It places no restriction upon the most efficient workmen, according to the testimony of every country in Australia, and insures to those other laborers a wage that provides for at least a sane conservation of human vitality. We have based our whole argument upon the principle that every laborer should at least have the conditions under which he can earn a living wage.

THIRD AFFIRMATIVE REBUTTAL, MR. SHIELDS

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The points at issue in this debate are: (1) Is every workman entitled to the conditions under which he may earn a living wage? (2) Will the Minimum Wage scale proposed bring about such conditions? (3) Should such a wage scale be provided for by law in the United States, so far as the specified industries are concerned? The first proposition our opponents do not deny. The second proposition they have denied only

indirectly. Their principal contention has been that it will throw people out of employment, drive capital out of the industry affected, and stimulate immigration. The great cities of the United States are today overcrowded with men and women seeking work in factories, workshops and department stores. There are two or three girls for every department store clerkship; and this competition taken advantage of by the capitalists has driven wages down below the living wage limit. We maintain, ladies and gentlemen, that so long as more than one girl is bidding for a two-dollars-and-a-half-a-week job, just that long will two-dollars-and-a-half-a-week jobs be in the labor market. Furthermore, we hold that if it were known that there were a certain number of five-dollar jobs, and that competition could not possibly lower the wage, then such disastrous competition would cease. True, there might be but one five-dollar job where there are now two at half that figure; employees might be thrown out of present employment at starvation wages, in order to give a living wage to the half remaining. But I maintain, ladies and gentlemen, that no great hardship would be worked thereby. Far better would it be for the person concerned, for society, the country, and the human race, for half of our department store girls to be working in somebody's kitchen, washing dishes, sweeping floors, making beds, than to be "sweating" in our great cities, selling ribbons and hair-pins over a counter for two and a half a week and keeping a gentleman friend for a living! This Minimum Wage scale would *force* mobility of labor. It would

compel the surplus laborers to seek employment where their services are needed, rather than stay in the centers of population to the detriment of themselves and all others, cutting wages by competition. Not only would this forcing of mobility of labor be a positive benefit to society and to the ones in the city receiving living wages because of it, but it would also be of untold benefit to those forced into other fields. Their argument that it would throw people out of employment absolutely fails unless they are able to show that there is not work enough, and natural resources enough, in this country to supply a living for all, when the effort is properly distributed. One of the strongest features of our wage law would be the very fact that it would make possible the utilization of our natural resources. My colleague has effectively answered the negative's argument about the inelasticity of our plan. My opponents are still objecting to "federal interference" and to the inelasticity of a "national law." We have not said anything about a national law, and have not proposed anything which would involve federal interference. We are willing to overlook this insistence on their part, however, since we realize that it is difficult to fit a memorized speech to given conditions. Most of their argument has been against something which we do not propose. Their objection that our plan has proved practicable in a territory much smaller than this country becomes less imposing when we call attention to the fact that the Australasian territory in which it has been successful is far larger than any of the individual districts in which we

propose to apply the law here. The people, industries and conditions are practically the same, and when they do differ, the difference is in favor of the law being successful here. The great difficulty there is with the large number of Chinese workmen, and this difficulty would be of very little importance here.

Now, as to constitutionality and immigration. The former I shall discuss when I have disposed of the latter. My colleague has effectively answered it. I cannot harmonize their arguments that it will increase immigration and at the same time lower average wages, throw people out of employment, and lessen output and demand for workmen. It is much easier for me to see that a preference for American workmen on the part of employers would rather retard the immigration of unskilled foreign labor.

The main constitutional objection is on the right to "life, liberty and property." The very reason why we propose our law is because we believe every workman is entitled to life—a wage which will insure a decent living; that he is entitled to liberty—freedom from cut-throat competition which enslaves him, and compels him to work for less than a living wage because of the almost unlimited power of capital; to property, because his property—the labor he wishes to sell, which is all he possesses, is not protected, but is exploited. This constitutional argument is as thin as the soup made from a shadow of a pigeon that had starved to death. The question specifies a wage scale provided for by law, and how, I should like to know, are you going to have a

thing *provided for* by law, which at the same time is *not* provided for by law? Do not our factories and machine shops have to provide certain safety appliances to protect the health of the workmen? Are not living wages as essential to life as are safety appliances? Has not the court held that child labor laws are valid? Is it "abridging the right of contract" when the law says to the employer that he shall not contract with children? The supreme court has held valid many eight-hour and ten-hour laws; is it restricting the right of contract for the state to say to a man that he shall not work more than ten hours, or that he shall not employ others to do so? No; the right of contract stops right where the rights of life, liberty and property begin. My opponent says he has a whole table full of data of similar laws that have been declared unconstitutional. I challenge him to cite me one that has been held unconstitutional for the reasons at issue here. They were held unconstitutional for other reasons than that they abridged the right of contract or conflicted with the constitution. The negative base their objections upon ground that has been completely cut from beneath them; and then attempt to deceive us by seeming to make their illustrations analogous to those cited. The question is not whether it would be constitutional (which it would be, all right), but whether it should be *provided for* by law.

Honorable Judges, we have shown that every man is entitled to a living wage; that a Minimum Wage scale would bring about this result; that it has been successful wherever tried; that there is almost unanimous de-

mand for it by all people where it has been in effect; that the minor objections of impracticability, unconstitutionality, inelasticity, unjustness, and so forth, are either not well founded, unsound, or of a trivial nature. We hold at the end, as at the beginning, that every man, woman and child is entitled to the conditions under which a living wage can be earned; that our present system has caused a disease which the present system is powerless to cure. We believe we have proved our contentions. I have listened with extreme interest to what my opponents *did not* have to say about my charts and arguments. These alone are unanswerable, and should win this debate.

FIRST NEGATIVE, MISS GOLDENA HALL.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The affirmative has dwelt at great length on the evils of our present industrial system. The first speaker has painted a pathetic picture of the conditions among the low paid working men and women. He has described the poverty and ignorance which exist among the working classes of our great cities. He has told us of the civil warfare which exists between Labor and Capital. Then, as a remedy for all these evils, he has proposed the establishment by law of a Minimum Wage scale, to be operative in the factories, department stores and workshops of the United States.

We, the negative, admit there are evils in our present industrial system. We realize that Labor and Capital are not as friendly and co-operative as they should be. We

admit that conditions among our wage-earners are not ideal. It is an unquestioned fact that in some of our great cities there are men and women who are receiving miserably low wages—wages which deny the comforts and decencies of life. No one will fail to recognize this condition as an evil of our industrial system, but the question which we are considering is, "Resolved that a Minimum Wage scale, to be operative in factories, department stores and workshops of the United States should be provided for by law." Would the establishment of such a scale, operating in these departments of labor, solve the problems which are confronting us? If such a scale would not be the solution, would it lessen the existing evils? Would it, if put into operation, better the conditions of the underpaid working men and women?

We of the negative maintain that such a scale, operating in factories, department stores and workshops, would not affect the wages of the great body of underpaid wage-earners. The sweated industries of the United States, that is, industries which pay less than a living wage to their employees, are carried on almost exclusively in tenement houses, called sweat shops, and in homes. These tenement houses and homes, to which work is taken from the factories and workshops, are exempt from the laws governing the factory or workshop from which the work is taken. There are no laws or can be no laws regulating or restricting home work. Therefore, a Minimum Wage, limited to factories, department stores and workshops, cannot touch home workers who make up

almost entirely the class of people who receive less than a living wage.

We maintain that not only would the Minimum Wage proposed by the affirmative fail to raise the wages of the sweated workers, but it would work in direct opposition to the interests of those whom it would affect; that is, the men and women employed in the factories, department stores and workshops of the United States.

Not only must the affirmative show that a Minimum Wage would be beneficial to those for whom it is intended, but they must lay down a definite plan whereby the wage scale theory will work out. They must show how the law can so operate as to fix a Minimum Wage for the different phases of labor in factories, department stores and workshops, which will be fair in all localities, and just under the different industrial conditions.

We shall show that a Minimum Wage scale should not be established in the factories, department stores and workshops of the United States because such a scale is undesirable.

First: It is undesirable because it is an untried theory. It is an entirely new departure for the law, either federal or state, to say that an industry shall not live if it does not pay a certain wage. We have practically no experience to guide us in this matter. The only place where such a scale as we are considering has ever been tried is in England. More than a year ago an attempt was made to establish a Minimum Wage in a small district of the sweated industries of England. The attempt was purely experimental; it applied to only four trades—tail-

oring, dressmaking, chain-making, and the finishing of lace. But even in this limited number of industries, and in this small territory, the thing has led to endless complications, and up to the present time there have been no satisfactory results. If this experiment has failed in England, under conditions which were almost ideal for its successful working out, how much more likely would it be to fail if established in a country the area of the United States, and with the population and varied industrial interests of the United States? The United States cannot afford to blindly adopt such a policy, which has never been tried under similar conditions.

Secondly: A Minimum Wage scale is undesirable in the United States because it is unnecessary. By unnecessary I mean there is no demand for it on the part of employer or employee. It is unnecessary because the condition of wages in our factories, department stores and workshops is not such as to demand the operation of law.

Wages, under our present industrial system, have advanced with tremendous rapidity. A report of the Treasury Department for 1900 states that wages during the twenty years previous to 1900 almost trebled. Of course the cost of living was also rising rapidly during this time, but not so rapidly as were wages. According to reports of the Treasury Department, and the Bureau of Labor for 1901, wages had during the four preceding years risen fourteen per cent, while during that time prices had risen but ten per cent. Since 1900 wages and prices have advanced at about the same rate, or they did

until 1908, when wages dropped considerably owing to the financial panic of 1907, but by the close of the year 1909 wages had again regained the high point of 1907. The above statement, taken from the World Almanac, applies to all kinds of labor in the United States, but the World Almanac for 1911 states that in the manufacturing industries of the United States, between 1900 and 1905, the number of wage-earners increased 16 per cent, while the wage output increased 29.9 per cent. Wages in these industries of the United States have advanced much more rapidly than in any European countries. Even for the most unskilled labor, the United States pays more than any other nation on the globe. In view of the fact that wages have, in the past, continued to rise as rapidly as has the cost of living, we hold that such a policy as that proposed by the affirmative is not necessary as a means of raising wages. If under our present system, that is, where the question of wages is left wholly to employers and employees, wages have risen as rapidly as have prices, why should we discard this system and adopt a new and untried theory, whereby the law steps in and dictates to the employer and employee, telling the one what he shall pay and the other what he shall receive? Would it be wise for us to abandon a system of wages the efficiency of which has been tried by the experience of more than a century, and under which the United States has become the greatest industrial nation on earth? Would it be wise for us to abandon such a system and institute in its place an untried, almost unheard of, Minimum Wage scale?

The only parties who are vitally concerned in the question of wages are of course the employer and employee. Now, if there were any need for such a scale as has been proposed, there would be a demand for this scale on the part of employer or employee, or both. This, however, is not the case. Leading men, both employers and leaders of the laboring class, declare themselves opposed to a Minimum Wage. A. D. Brown, president of the Hamilton Brown Shoe factory, says: "I do not think that wages should be regulated by wage boards. In many instances this would tend to reduce the amount earned by a competent and willing worker, while inferior help would receive the same wage as the more expert." Also Marshall Field & Company, the leading department store concern of Chicago, states that they do not favor a Minimum Wage scale. As a representative of the laboring classes, I quote from Wm. J. Gilthroe, international secretary of one of the largest labor unions in the United States. Mr. Gilthroe says: "It is my opinion that a hard and fast rule establishing a Minimum Wage would not be a wise move, because wages in general determine the cost of living. Furthermore, I do not believe that a law could be established that would set a universal wage rate and hold it." These are statements from leaders in both parties of industry, and they voice the general sentiments of Labor and Capital toward the question of a Minimum Wage. If employers and employees are opposed to this scale, where can we find sufficient cause to justify the establishment of this scale in the United States?

Not only is a legal Minimum Wage scale an untried theory for which there is no necessity, but it is undesirable for a third reason: namely, it would increase the number of unemployed. It is an unquestioned fact that the greater per cent of suffering caused by poverty in the United States is due to lack of employment, rather than low wages. It is the unemployed who form that class of discontented and poverty-stricken people. It is the unemployed who flock to our poor-houses and other charitable institutions. It is the unemployed who form largely that great congested mass of ignorance and crime in our great cities.

We maintain that one of the direct results of the establishment of a Minimum Wage in factories, department stores, and workshops of the United States would be to throw thousands of men and women out of employment, thereby increasing instead of diminishing the poverty among the poor classes. This condition will be brought about simply in this manner. Suppose, for example, a man owns a factory in which are employed five hundred men and women, who are paid wages agreed upon between the employer and the workmen, and are high and low according to the respective merits of each man's work. Now suppose that in this factory a Minimum Wage is established. The law steps in and informs the employer that his factory must close unless he agrees to pay to his lowest paid workman at least a certain amount which is to be fixed by law. This minimum will be fixed, not according to the efficiency of any man's work, but according to what the law considers to be a

living wage for the individual. When an employer meets such a proposition as this; that is, that he must pay to his lowest paid workmen at least a certain minimum, one or all of three things, are likely to happen.

The first thing that any employer would naturally do would be to get rid of all the men and women in his employ whom he considers either physically or mentally unable to earn the minimum which the law has fixed. If the minimum is placed at twelve dollars a week, the man who earns but eleven dollars and a half will lose his job. No employer can afford to retain in his employ men or women who do not actually earn the wages which they receive.

In this way, the first direct result of the Minimum Wage would be to throw out of employment that class of inefficient and unskilled workmen which it was theoretically the aim of the wage scale to help. The first result that would naturally and inevitably follow the establishment of a Minimum Wage would completely defeat the end for which it was established.

Also, the number of unemployed will be increased in this manner. Of course any employer realizes that if his industry is going to pay, he must keep his wage output in proper relation to his profits. When he finds that the establishment of a minimum in his industry means a rise in cost of production, he will simply counteract this rise by an equal rise in the selling price of his products. In this way he may meet the requirement of the law, and still keep up a profitable business.

The rise in prices, however, will be followed by a

lessened demand for the articles manufactured, and this means that the men and women who produce the articles will be thrown out of employment. Father Ryan, who is the leading spirit of the whole movement, says that this is a most serious objection to the Minimum Wage. Not only will wage-earners be thrown out of employment, but there will be a rise in cost of living which will affect the wage-earners who are the consumers.

There is a third possible result of the Minimum Wage scale which will affect all classes of working people alike, and it will likewise add to the number of unemployed: When an employer finds that the cost of production is rising, that in spite of anything he can do the wage output is drawing from his fair profits; if he finds that he simply cannot pay the wage fixed by law and still keep up his profits, of course there is but one thing for him to do—that is to close his establishment. This situation would plainly be worse than the former for the wage earners involved, for anyone will agree that a low wage is better than no wage at all.

The articles before manufactured in American factories would be imported from countries where wages are not regulated. In this way, the Minimum Wage would encourage foreign competition in trade and would diminish employment in the United States. Anything that will rob our workmen of employment is plainly in direct opposition to the interests or desires of any American.

We have shown that a Minimum Wage scale in factories, department stores and workshops in the United States is undesirable:

First: Because it means the discarding of a system of wages the efficiency of which has been tried, for the substitution of a theory which is untried.

Second: Because there is no need for such a scale in these industries since wages in the past have continued to rise rapidly, and since there is no demand for it on the part of either employer or employee.

Third: Because it would increase the number of unemployed, thereby inoreasing instead of diminishing the poverty among the lower classes of workmen.

Therefore, in view of these facts, namely, that it is untried, unnecessary, and would add to the number of unemployed, we maintain that a Minimum Wage scale should not be established in factories, department stores and workshops of the United States.

SECOND NEGATIVE, MR. JAMES FISHER.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: I wish, first of all, to refute what my opponents have said, and also to draw your attention to their inconsistency.

The first speaker on the affirmative has told you that fathers, "heads of households," affected by this question tonight, are only receiving about \$375 a year. The second speaker on the affirmative, replying to my colleague, says that the question is not intended to cover the sweated industries or home workers.

Now, Honorable Judges, I maintain that the first speaker has misrepresented the facts to you, in that he has quoted the average earnings of the home workers in-

stead of the non-home workers, for we find in the report of Elizabeth Watson, secretary of the Work and Wages Committee of the Child Welfare Exhibit, in the Survey, February 4, 1911, that the income of fathers, "home workers," is \$370.57, while for "non-home workers" the income is \$840.84 per year. We should like our opponents to reconcile their statements to these facts published under government authority.

My colleague has shown you that such a law as proposed tonight is undesirable; first, because it is untried; second, because it is unnecessary, and there is no demand for it; and, third, because it will increase the number of the unemployed.

It shall be my purpose in the course of my argument to show you that such a Minimum Wage scale as proposed by the affirmative this evening is impracticable. In the first place, it would be impracticable because such a law would be inelastic.

Owing to the size of the United States and its conglomeration of forty-six nationalities, and the different industrial and economical conditions found in the North, South, East and West (for example, the cheap negro labor in the South, the foreign labor in the East, and the white American labor of the North, West and Middle West) such a scale could not be adjusted to meet the needs of the various sections of the country; moreover, such a scale could not be made to operate in the larger factories, workshops and department stores where there are anywhere between one and fifty grades of labor carried on in one building, as in the Santa Fe shops in

Topeka, and the Marshall Field department store in Chicago. To show you that such a law is inelastic, I will quote you the experience of the English Government with its "Trade Boards Act." This act was passed in 1909 to become operative January 1, 1910, in the four trades named by my colleague. To begin with, the government selected the chain-making industry at Cradley Heath, a small area not so large as Franklin County, Kansas, but because of the inelasticity of the plan to which both employer and employee objected, it could not be put into operation until August, 1910, and then only applied to one branch of hand-made chains, made by women; and while since then the "rate has been fixed by the Trade Board for the men in their work, it has not yet been ordered into operation by the government, (February, 1911)." Furthermore, while boards have been appointed for the lace and tailoring industries, they have not been able to fix a minimum rate. As regards the fourth trade (cardboard box) they have not yet been able to organize a board.

Seeing, then, that the English government is having so much trouble to put this plan into operation in such a small district, and only in one part of the trade, does it seem reasonable to suppose that such a law as proposed by our opponents could become practical and operate in the whole of the United States?

Again, such a law would be inelastic because it could not be adjusted to the fluctuations in the cost of living. Prices vary considerably in the different parts of the United States (for example, when I was working in

Leavenworth I received \$11 a week, and while I was there, two young men came back from Los Angeles saying that they received \$18 a week there, but that they were not so well off there with \$18 as we were in Leavenworth with \$11; consequently they came back to work in Leavenworth. Also, a statement was made in the Ottawa Daily Republic this week that a carpenter has just come back from California because living is higher than the apparent high wage). Not only must we consider the different prices in the different states, but the fluctuation of prices in a given community, especially as they fluctuate from year to year. Then, when prices are on the upward rise untold misery would be produced because the employer would not pay more than the Minimum wage.

Moreover, such a law would be inelastic, because it could not provide for the older worker and those physically unable to earn the Minimum wage. Many men with large families depending upon them, because of physical weakness caused by disease would thus be forced to the wall, because the scale can make no provision for them.

Professor Hadley, in his book on "Economics" declares himself against the Minimum Wage because it is impracticable, and Prof. Holcomb of Harvard says: "There is far greater difficulties, legal, administrative, and economic, to be overcome in America than in England." Hence, if this law is so inelastic as to be impracticable there, the logical conclusion is that it would be impracticable here for the whole United States.

In the next place, I shall show to you that such a law is impracticable because it will intimidate capital. Although the law does not fix the maximum, yet it will be apt to set the minimum so high that employers will not be able to pay superior workmen a higher wage. Thus it will compel them to place all on the same level, or to turn away the inefficient and unskilled, or else it will eventually force them to shut down their factories.

It is a new departure to say that the Federal Government shall dictate to men in Ottawa what they shall pay for their help, and such a plan as the affirmative has submitted finds support only with the extremists. We find the Socialists and Labor leaders in England, men whom we supposed would receive this plan with open arms, bitterly opposed to the principle; what they demand is that the government shall provide work for every man and pay him according to the quality of the work performed. Thus, to force an employer to pay more than the worker can produce is to force him out of business, and at the same time it will cause capital to flow into other channels not affected by this law in its unjust discrimination.

Furthermore, it will have a most drastic effect upon European capital (upon which much of our business depends today), tending to cause it to remain at home and encourage industries there, or, to flow into other channels where there is no state legislation of wages.

Men would hesitate to invest capital unless they could decide what wage they should pay; and another effect of the Minimum Wage would be that it would not only

drive out of business the small employer, but it would have a tendency to create trusts and combines, which in turn would increase the price of the commodity, and ultimately to the consumer, for the Senate Commission appointed to investigate the high cost of living last year affirmed that trusts and combines were one of the chief causes of the rise in prices.

Another reason why such a law would be impracticable is because it would stimulate immigration.

The intent of this policy is, of course, favorable to the unskilled laborer, in that it aims to raise the standard of his wages, but the plan will not work under our present industrial development, because the Minimum Wage would be determined by the average ability of all the workers in any shop affected by this law.

An important fact overlooked by our opponents in their plan is the great distinction among wage earners. First, I will call your attention to the great army of unskilled labor which is being augmented every year by immigration. Last year 1,042,000 came to the United States, of which number a quarter of a million were men between the ages of fourteen and forty-four, who would be directly affected by this law, because they are working in factories and workshops. Since 1900 eight millions have come to the United States, 75 per cent being men between fourteen and forty-four. Of these numbers only a few have found their way to the farms; by far the majority have stayed in the eastern states, seeking employment in the factories and workshops, and thus becoming consumers instead of producers of the articles of diet.

A study of economic conditions in the countries from which these immigrants have come proves that the lot of the unskilled laborer is far less fortunate there than here in the United States, even under the worst conditions of work and pay which may be their lot. This is not sentimental, but sound, logical economics, that through immigration the rise of wages has been checked. Bad results of immigration are seen both in the economic and industrial life of cities where immigrants have been employed.

The Immigration Commission, which has just concluded its work, finds that the supply of unskilled labor is greater than the demand, and recommends Congress to pass legislative restrictions.

Father Ryan, whom my opponents have quoted, also says: "Immigrants must and do depress wages because they increase the supply of labor which is already too plentiful, and the native worker is compelled to accept a lower wage than he would be able to command if the great mass of immigrants remained away."

In spite of these facts and in the face of the Commission's report, the affirmative propose a plan which all will agree will stimulate immigration instead of checking it. Let the fact be known that the United States government indirectly guarantees to every man working in these trades a certain wage, \$10, \$12, or \$15, as the Minimum Wage might be, and it would immediately be advertised through all the European countries. Steamship and immigration companies would be only too glad to have such material to use for advertising, and thus ex-

plait their business. Hence, we would find the number of unskilled workers increasing faster than ever. This would be the case of "English sparrows" over and over again, "the cure ten times worse than the evil."

The Minimum Wage would thus result in creating a privileged class of workmen, and that class the alien laborer. Their standards of living are so low they can live on from \$9 to \$15 a month. Thus it would be impossible for the American workmen to compete with them, and so long as they glut the American market no permanent rise of our standards of living can be hoped for. Thus, the plan becomes impracticable.

We maintain that "efficiency should be the basis for wages." Men who have become efficient and skillful in their trade or work should not suffer because of the unskilled. How would the skilled workman like to be the tool to keep up the pay for the inefficient? Why, he would revolt and go on strike immediately! This plan therefore, of the affirmative, is antagonistic to the development of efficiency in the individual worker. It stunts his growth as a man by setting a limit to his ambition, and by placing equal value upon a day's labor without regard to the quality of the work done.

Wages depend on the present efficiency of the laborer, and by higher efficiency, or by more effective bargaining, the laborer can increase his present wage. Large rewards, therefore, are offered under our present system for those who excel and become efficient. From this class of higher paid labor have come men who today are masters, and to hold this class down to a Minimum

Wage would be to blast their hopes, destroy their ambition, and would be a calamity to the country and public at large.

THIRD NEGATIVE, MR. SAM MARSH.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The first speaker on the affirmative presented to you a dark picture of the evils of our present industrial system, and argued that some remedy is imperative. The second speaker on the affirmative endeavored to show that a Minimum Wage scale would eradicate these evils, and in closing his speech, alluded to the plan which his colleague would propose. The speaker who has just left the floor proposed the Australian plan of a Minimum Wage scale, and I wish to say that in so doing he has wandered far from the subject under discussion this evening. I would have you know that the scheme as operating in Australian territories is not a Minimum Wage scale, but compulsory arbitration, and we are here to discuss the advisability of providing by law for a Minimum Wage scale, to be operative in factories, workshops, and department stores, in the United States. In Australia the government has no right to interpose its authority over labor and capital until invited to do so by the employers and employees. They have arbitration boards composed of representatives of both Labor and Capital, whose business it is to arbitrate any disagreements arising between these two conflicting forces. When the representatives of these boards fail to agree upon a wage, the government is asked to fix the Minimum Wage for the workers in the trade involved. Not

until then does it become a fixed wage, and, then, in that particular trade only. We certainly cannot call this a Minimum Wage scale fixed by law, and since it is not, and my worthy opponents have based their whole argument on this plan, we maintain that they have wandered far from the subject which we are here to discuss.

The first speaker on the negative has shown you that for the United States to enact a law providing for a Minimum Wage scale to be operative in factories, workshops, and department stores would be to incorporate in our present industrial system a scheme that is undesirable, first, because it is untried; second, because there is no demand for it, and third, because it would increase the number of unemployed, and thus defeat the end for which it was established.

The second speaker on the negative has shown you that such a plan would be impracticable in the United States, first, because it would be inelastic; second, because it would intimidate Capital, and third, because it would stimulate immigration and thus increase the number of unskilled workmen in our land. It shall be my purpose, in the course of my argument, to show you that a law, providing for such a scheme would be unjust. Unjust to whom? Unjust to both employer and employee, and to every American citizen. In the first place, such a law would be unjust in that it would make unjust discrimination as to the kinds of industry affected. The question states that the law is to be operative in factories, workshops, and department stores. We believe that if there is such a thing as a benefit accruing

from such a law, it should be extended to all industries in which we have underpaid workingmen and women.

David J. Brewer, the late Chief Justice of the United States Supreme Court, said: "If compulsion can be introduced into one employment, why not into all?"

Is it reasonable to say that factories, workshops, and department stores are the only fields of industry in which there are underpaid workmen? Should the government interpose its authority over one employment, and not over another, when many of the workmen in both fields work under the same labor conditions? There are hundreds of workers in other industries who do exactly the same kind of work as many of the laborers in factories, workshops and department stores; then why should the government make such an unjust discrimination? To illustrate this point, let us take an example in our own city. We have a wholesale grocery. We also have a canning factory. The factory furnishes canned goods to the wholesale house. We will suppose, for instance, that these two establishments are located on opposite sides of the street and that a tramway is used by the factory to deliver the canned goods to the wholesale house. With this picture in mind, is it not reasonable to think that the factory would have a certain number of men employed whose work would be to carry the cans from the wareroom to the tramway? And is it not reasonable to think that the wholesale house would have a certain number of men employed whose work would be to carry the cans from the tramway to the wareroom? Then we have two groups of laborers, working in plain

view of each other, in the same city, the only difference being that one carries cans to the tramway and the other carries them away, one of which would enjoy certain rights that would be denied to the other under this law. The law would compel the men at the factory to work under conditions from which the employees at the wholesale house would be exempt. This is unjust discrimination and should not be. For a larger example, let us consider the drygoods business of Burnham, Hanna, Munger, at Kansas City, Missouri. Here we have a firm operating a factory and a wholesale house which are located on opposite sides of the street. This law would apply to the unskilled laborers in the factory, but not to those in the wholesale house, and yet many of the workers in both establishments do exactly the same class of work.

Again, the question states that this law is to be operative in department stores. How much different are the conditions under which a salesman works who sells nothing but dry goods in a department store, and the conditions under which a salesman works who sells dry goods in our large dry goods stores? Why should the government protect one by a living wage, and deny such protection to the other? At the same time, this law would compel the department store employer to pay his workers a living wage, but would not affect the employer who carries identically the same kind of goods as found in that department of the department store, but who carries only a single line. These, however, are only examples of the injustice that would be forced upon thou-

sands of our employers and employees by such discrimination.

In the second place, such a law would be unjust because it would deny to the citizen the right of freedom of contract, a right that has been cherished as a factor in his industrial progress for more than a century. It is a well known fact to every American citizen that the supreme purpose of the Constitution was to give to every citizen equal rights of life, liberty, and the pursuit of happiness. To anyone who is not a citizen of our country it would seem that our government had been framed especially to insure the industrial progress of the nation. Why? Because it expressly gives to every individual the right of freedom of contract, embodying, on the part of the employer, the right to bargain for labor, to conduct his business for the least possible figure, embodying, on the part of the employee the right to sell his toil for such a price as he may desire. Under this system our industries have made our nation famous for its commercial capacity. Under this system our laborers within the last century have been brought from almost servitude to an independent position in the industrial world. Yet, regardless of these facts, the affirmative advocates the enactment of a Minimum Wage scale. They would have the government come in as a third party and say "Mr. Employer, you hereafter shall not be allowed to secure labor to conduct your business as you see fit, but I, the government of the United States, shall dictate to you as to how much you shall pay your laborers, and Mr. Employee, you hereafter shall not be

permitted to sell your toil according to your knowledge of its worth, but I, the government of the United States, shall fix the price which you are to receive for the same." Would that be justice? No, it would be everything but justice. For the law to limit the wages of Labor springs from much the same idea that pervaded the old monarchical system where the king as a single ruler assumed the right and wisdom to control the actions of all his subjects. It is not, however, the thought that possessed the fathers at the foundation of the republic. Their idea was expressed in the Declaration of Independence. "All men are created equal, endowed with inalienable rights of life, liberty, and the pursuit of happiness," and it was their purpose to give the freest scope to individual action. What right has the government to deny to the citizen the right of freedom of contract? What right has the government to exercise the functions of a guardian over our employers and employees, to guide and control them? No right whatever. At this time I wish to quote from David J. Brewer, late Chief Justice of the United States Supreme Court, a man who only recently occupied the highest position to which any constitutional lawyer can attain, and a man who knew whether a law was just or unjust. He says: "But what does such a scheme imply? On the one hand, possibly the compulsion of the employer to pay more than he can afford or else quit business; on the other hand compulsion of the laborer to work for an employer whom he does not like, and at less wage than he feels himself entitled to. How does such compulsion consist with

that freedom of personal action which for more than a hundred years we have believed was the inalienable right of every individual?"

The government has no right to interfere with what an individual does, so long as that individual's act in no wise injures society. We believe that every citizen has a personal right to sell his toil for such a figure as he may desire; and the price which he receives for his work is something in which society has no direct interest; and if it has any interest indirectly, such indirect interest is so remote as not to be recognized by the law. What right has the government to confiscate the business of an employer by fixing a scale of wages too high for his business? As my colleague has shown you, when the government limits the wages of workmen in a certain industry, if an employer finds he cannot operate his business on that basis and make money he must close down his business. In such a case the law has confiscated his business by robbing him of his profits. What right has the government to compel a workman to work under conditions which he regards as intolerable? At this point I shall quote from C. J. Doyle, who is recognized as one of the most prominent employers in the West. Writing for the September number of the *Annals of American Academy of Political Science* he says, "It is doubtful if even the drastic threat of a jail sentence will compel a workman to continue at work under conditions which he regards as intolerable, and it is equally doubtful if any threatened punishment will compel an employer to operate his business unless he can see a rea-

sonable profit in so doing. An award which increases the labor cost beyond what an industry can successfully carry is confiscatory, and an employer cannot accept it and remain in business. This was shown in Australia in the case of the shoe manufacturers, who closed down their establishments and declared they would import shoes from Europe and America, rather than attempt to operate their factories and pay the wages set by the arbitration court."

I wish also to quote from Robert Luce, one of the best lawyers in the United States, now practicing in Boston. Writing for the same magazine, on the same subject, he says, "No judge, no legislature, is competent to prescribe what an employer shall pay a workman. No employer will consent to wages that spell ruin. No workman will accept wages less than he can earn elsewhere."

This is what our best authorities say in regard to the injustice of this scheme, and we believe that if the United States attempts to put such a law into operation in the near future, public sentiment will voice the injustice so strongly that it will be tyranny to enforce it.

We see, then, that such a law is undesirable, impracticable, and unjust. Let us now consider another very serious objection: namely, that it would be unconstitutional by either federal or state law. It would not comply with the Federal Constitution, because the fifth amendment reads that "no person shall be deprived of life, liberty or property without due process of law," and the right of freedom of contract is covered by the constitutional provision as to liberty and property. How-

ever, we are not alone in our contention that such a law would be unconstitutional, but we can produce statements from the best lawyers in the United States to that effect. A few of these I wish to read at this time:

In a communication from Professor Roscoe Pound, of Harvard Law School, a man who has given this point a special study, he says, "The courts usually consider that liberty of contract is within the protection of the constitutional provision as to liberty and property. The Federal Constitution contains a restriction upon federal legislation in this particular, and the Federal Government would not be enabled to enact such a statute."

Justice Shepard, of the Court of Appeals, of the District of Columbia at Washington, D. C., says, "Undoubtedly the Federal Government would have no power under any circumstances to enact a law regulating wages in factories, workshops, and department stores in the states. The jurisdiction of the United States in such matters would be confined to the District and the territories."

David J. Brewer, in an article on the Supreme Court of the United States, on page 273, Volume 33, of Scribner's Magazine, says, in regard to the government limiting the wages of workmen, "It is said, in support of the proposed enactment, that to prescribe the conditions under which an employer may carry on his business leaving him free to abandon his business and pursue some other, and like compulsion of the laborer to work at a certain wage and place if he continues in a certain kind of employment, does not abridge any constitutional

right of either when the large interests of society demand such compulsion; but if compulsion may be introduced into one employment, why not into all? I cannot spend the time to enlarge upon the arguments of either side, nor would it be proper to express any opinion as to the respective merits of such arguments. It is enough to say that if legislation be enacted looking toward such, it is obvious that there will be much to challenge the most careful consideration of the courts."

These quotations are from men who have given this point a careful study, and we believe that Professor Roscoe Pound, Justice Shepard, and late Chief Justice Brewer must be recognized as good authority.

The law could not be enacted by the states, because the fourteenth amendment reads, "No state shall deprive any person of life, liberty or property without due process of law, and every state constitution has the same clause.

I wish to read what some of these authorities say in regard to the power of the state in this particular: Justice Shepard says, "There is no power in the state legislature to regulate the wages in private works." Professor Pound says, "The Federal Constitution contains a restriction upon state legislation in this particular. The fourteenth amendment expressly provides that no state shall deprive any person of life, liberty or property without due process of law. If, therefore, such legislation does interfere with liberty of contract, the state will be precluded from enacting it by the fourteenth amendment."

With these quotations from the constitution and from letters from well known authorities, I believe I have shown you that such a law would be unconstitutional. I might also say that I have not quoted from half the men who wrote us on this point, and that there was not a lawyer to whom we wrote who did not say that it would be unconstitutional. In view of these facts, we maintain that it should not be provided for.

FIRST NEGATIVE REBUTTAL, MISS HALL

Honorable Judges, Ladies and Gentlemen: We of the negative still maintain that a Minimum Wage in the factories, department stores and workshops of the United States is unnecessary.

One of my opponents made the statement that the greater proportion of the laborers in these three industries are receiving less than a living wage. We question the truth of that statement. The Survey, for February 4, which has already been quoted, gives the earning of the average non-home working man as \$840.84 per year. While this average is not limited to factories, department stores and workshops, yet it includes them, and is at least accurate enough to disprove the statement that the larger percent of these employees are receiving less than a living wage.

The first speaker of the affirmative spoke in detail of the condition of women and girls employed in department stores, who, he said, receive \$2.50 per week. Although this class of wage earners are the lowest paid of the three branches of industry included in this ques-

tion, they are not so underpaid as the gentleman would have you believe. According to statistics the women and girls employed in department stores receive from \$5 to \$20 per week with an average of \$7 or \$8.

The World Almanac for 1911 gives a table of wages for the manufacturing industries of the United States, which, of course, applies directly to factory and workshop employees. This table shows that only 4 per cent of all the employees receive less than \$3 per week, while over 50 per cent receive between \$9 and \$20. The average workman receives \$11.16; the average working woman, \$10.56. These statistics show that wage earners included in this question receive at least a living wage. We admit that there may be exceptional cases where men and women simply are incompetent to earn a living, but these cases would not be benefited by a Minimum Wage, for any person who is unable to earn a living under the present system would not be able to earn the minimum which the law would fix, and consequently would be driven out of the labor market.

The affirmative have granted that the Minimum Wage which we are considering this evening would not affect the sweated industries, and since it is only in the sweated industries that men and women are working for less than a living wage there is no need for such a wage scale as that proposed by the affirmative, which would operate only in factories, department stores and workshops.

The affirmative have granted that a rise in wages would be followed by a rise in prices, and they then tried to qualify that statement by saying that the rise in prices

would be borne by the whole body of consumers. It is true that a rise in cost of living would affect every consumer, whether he had been benefited by the wage scale legislation or not, and this fact is but an argument against the establishment of such a scale. Where is the justice in a law which would bring about a rise in cost of living which would burden the whole body of consumers, 95 per cent of which, as one opponent stated, would receive no benefit from it?

On the other hand, what benefit is it to the class whose wages is immediately counteracted by a corresponding rise in the cost of living.

We have read in your hearing letters from leading employers in the United States, and also from leaders of the laboring people, all of whom declare themselves opposed to the Minimum Wage. The gentleman on the affirmative failed to read any of his *numerous* letters. The affirmative have failed to produce any authoritative statements showing that there is a need or demand for the Minimum Wage either with employer or workman.

Honorable Judges, in view of the facts, first that a Minimum Wage operating in factories, department stores and workshops would not touch the workers who are employed for less than a living; second, that the employees of the factories, department stores and workshops are, under the present system, receiving a wage adequate to keep up the necessities of life; third, that neither employer or working man want a Minimum Wage, we maintain that such a policy is unnecessary and should not be established.

SECOND NEGATIVE REBUTTAL, MR. FISHER

Mr. Chairman, Worthy Opponents, Honorable Judges, Ladies and Gentlemen: Seeing that our opponents have swung off to the Victorian system, it might be as well to remember that there are two sides to this system as well as to any other. My opponent has given you a glowing description as to how this plan is working in Australia, but he forgot to tell you that the whole thing is practically confined to one city, Melbourne, which statement I make on the authority of the late vice-president of the Victorian Anti-Sweating League, who spoke at the spécial conference in the Guildhall, London, 1906. Now, then, because their plan works in one city, is that any argument that such a scheme will work in the whole of the United States? In the next place, the speaker challenges my authority for the figures I quoted before. I can do no more than say it is Elizabeth Watson, appointed by the United States Government to investigate the homes of workers in all the eastern states, and the report is found in the Survey for February 4, 1911. I am willing to leave it with the judges whether the government would permit this to be published, if it was not the findings of the committee on investigation.

(Mr. Shields here challenged the speaker to answer a direct question bearing on this point. His challenge was ruled out of order unless the speaker would yield the floor. Mr. Shields offered the speaker his own—Mr. Shields'—time in which the reply might be made. Mr. Fisher refused to answer the question.)

My opponent seemed to think our letters were not representative. One was from the largest department store in the world, that of Marshall Field, Chicago; and another from the International Shipbuilders' and Boiler-makers' Union, the former representing the employers, and the latter the employees. However, my opponent, the third speaker, quoted Samuel Gompers. Let me read what he says about a Minimum or Living Wage. He says: "I trust no one misapprehends my position so far as to believe that I favor a governmental enactment of a living wage for wage-earners in private employ; for, as a matter of fact, I recognize the danger of such a proposition. The minimum would become the maximum, from which we would soon find it necessary to depart."

Furthermore, the same speaker misquoted me by saying that I was speaking of things in England ten or fifteen years ago. Honorable Judges, I call you to witness I went no further back in English history than to the October, 1909, "Trade Act" or "Minimum Wage Law." I hold here in my hand a letter from the Board of Trade, London, England, under date of Feb. 7, 1911, corroborating every statement I made in regard to the English plan, and I challenge my opponents to show where and how their plan has succeeded elsewhere than in Melbourne.

Coming back to the Australian system and the figures my opponents are exhibiting, let me say that both employers and employees are objecting to the plan for this very reason which Mr. Gompers gives, and which we have maintained in all our argument: namely, that with

the leveling-up process of wages, there must necessarily be a leveling-down of wages of the more skilled and efficient, to the detriment of the trade and the skilled worker.

We maintain that "efficiency" must and can be the only basis for wages, and having shown you that such a law as proposed by our opponents is untried and impracticable, we believe that the decision will be for the negative side of this question.

THIRD NEGATIVE REBUTTAL, MR. MARSH

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The main issues of the question under discussion have not been touched upon by our opponents.

I wish to emphasize again the fact that the Australian plan which the affirmative has proposed is not a Minimum Wage scale fixed by law, but compulsory arbitration, and cannot be used as argument for the establishment by law of a standard wage. Moreover, we have shown you that any form of a Minimum Wage scale would be so complicated that it would be impracticable in the United States.

In the first part of my speech I showed you that such a law would make unjust discriminations as to the kinds of industries affected. This argument has not been refuted by my opponents. They endeavored to refute it by saying that their purpose is to extend such legislation to all sweated industries as soon as it is provided for in factories, workshops and department stores. This, however, does not answer my argument, since the ques-

tion now under consideration is whether or not a Minimum Wage scale should be provided for by law to be operative in factories, workshops and department stores, and we must confine our argument to these industries. If our legislature makes a law which expressly states that such a law is to apply to certain named industries, I should like to know, worthy opponents, how that law could affect any other industry. It is the industries named in this question that we are considering, and we must confine our argument thereto.

On the constitutionality of the proposed law we give the affirmative credit for producing all of the argument available; namely, that certain eight-hour and ten-hour laws have been declared constitutional by the supreme court. They referred to the Utah eight-hour law for men working in mines as an example, and said that since these laws have been held constitutional so would the Minimum Wage law. Honorable Judges, what reason have we to believe that a law regulating wages would be declared constitutional simply because certain laws have been enacted restricting the hours of workmen in mines or other industries? Moreover, we can quote two cases to our opponents, one in which eight-hour and ten-hour laws have been declared unconstitutional by the Supreme Court. If this statement is challenged, we have here on our table references to any number of such cases. Their argument on this point is decidedly weak.

The affirmative may say that the constitution should be amended to provide for this law. Should they produce such argument, I wish to show you how absurd it

would be to propose an amendment to provide for a Minimum Wage law. We are all more or less acquainted with the cumbersome method of amending the constitution. It is not necessary for me to go into detail to explain it, but it is enough to say that it is so cumbersome that since the foundation of the Republic, out of two thousand proposals for amendment, only two have been accepted. The first ten were made as the bill of rights, and three of the other five as Civil War emergencies, leaving only two which we can call actual amendments. With these facts in mind, is it reasonable to think that this law is more necessary than any of the two thousand laws for which these proposals were made? Moreover, we find that there are only seven or eight states that would be vitally interested in such a law: namely, those in the manufacturing section of New England. Then do you think that three-fourths of the states of our nation would ratify an amendment to the Constitution simply to provide for a law that would benefit such a small percentage of our population? Do you think that Kansas, Oklahoma, or any of the western agricultural states would ratify such an amendment? Certainly not. Besides, what would it mean to our nation? If the affirmative propose that they would strike from the Constitution that clause which reads that "no person shall be deprived of life, liberty, or property, without due process of law," they as much as say that any citizen could be deprived of these personal rights without due process of law. Consider for a moment the evils and unjust proceedings that would arise from such

a radical step. We believe that this was the thought uppermost in the minds of our forefathers, and one of the fundamentals of our Constitution, and to strike it out would be to deal a death blow to our nation. But, even if the Constitution could be easily amended, the affirmative would gain nothing by the proposal, because the constitution of every state in the Union contains the same clause. So the Federal Constitution and every state constitution would have to be amended alike to provide for it. This is absolutely impossible.

Honorable Judges, we, the negative, have shown you that for the United States to provide for a Minimum Wage scale, to be operative in factories, workshops and department stores, would be to provide for a law that is undesirable; first, because it is untried, having never been put to a test in any country where conditions are similar to those in the United States; second, because there is no demand for it on the part of employers or employees; and third, because it would increase the number of unemployed, thus defeating its own end. It would be impracticable; first, because it would be inelastic, for it could not adjust itself to the different conditions in the different sections of our country nor to the fluctuations in the cost of living from year to year; second, because it would intimidate capital, for men having money to invest in industries would hesitate to invest in American industries in which they knew that the employer was not free to pay his laborers what he pleased; and, third, because wage legislation of this sort would stimulate immigration, and thus increase the number

of the unemployed. It would be unjust; first, because it would make unjust discriminations as to the kinds of industries affected; and, second, because it would deny to the citizen the right of freedom of contract. It would be unconstitutional, because the fifth amendment expressly prohibits it, and because the most noted constitutional lawyers in the United States interpret the Constitution as being against such legislation. In view of these facts, we, the negative, maintain that it should not be provided for.

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THE OPEN VS. THE CLOSED SHOP

Illinois Wesleyan vs. { *Iowa Wesleyan*
 and
 Northwestern College.

The following discussions were presented by the Illinois Wesleyan University teams against the teams of Northwestern College, Naperville, Illinois, on the negative, and Wesleyan, Mt. Pleasant, Iowa, on the affirmative. Illinois Wesleyan lost to Northwestern but won from Iowa Wesleyan unanimously. The three schools do not form a triangular; these debates were given on different evenings as annual meets between the schools.

The question was stated.

Resolved, that the movement of organized labor for the Closed Shop should receive the support of the American people.

The following debates were contributed by Mr. P. C. Somerville, Coach of Debating at Illinois Wesleyan.

THE OPEN VS. THE CLOSED SHOP

ILLINOIS WESLEYAN vs. *IOWA WESLEYAN*.

FIRST AFFIRMATIVE, JOSEPH BUTLER, '13, ILLINOIS
WESLEYAN

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: What do we understand by the term Closed Shop? In order to prevent a false impression we desire to point out the fact that the term Closed Shop is a misused and unfair term. It has been applied to the shop that is regulated by union rule. This shop really is the Union Shop. The true impression of this term has best been given by John Bascom, an eminent author on economical questions. He says, "The term Open vs. Closed Shop casts a deceptive light on the controversy between labor and capital. An Open Shop suggests liberty and a Closed Shop suggests tyranny. The freedom of the Open Shop is only the freedom of the man who keeps it. The term Closed Shop suggests the control of the union men, and the liberty contemplated is the fullest liberty possible. The words Open and Closed shop give a fictitious coloring to the entire question. If one substitutes for them the more descriptive phrase, an Unorganized as opposed to an Organized Shop, the illusion disappears, and we have the correct term." The only shop for which the term Closed Shop can be applied is

the Open Shop, which is closed to union men. The Union Shop is one in which an agreement exists between the employer and the organized workmen, concerning wages, hours and conditions of labor and in which the union men are given preference in employment, but in which non-union men can be employed under the condition that they join the union as soon as possible.

At the outset it must be admitted that this whole question hinges upon the justification which can be offered for the existence of trades unions, in their national tendency toward the Union Shop. Therefore, our first contention is, that the union is necessary to the laboring man. The purpose of workmen in combining is to secure for themselves a general betterment of their condition. To this end, it is necessary that their combination should proceed to such a point, as will give them the power to dictate, as far as possible, the terms upon which they will be employed. Trade unionism starts from the recognition of the fact that under normal conditions the individual, unorganized workmen cannot bargain advantageously with the employer for the sale of his labor. In the individual contract between a rich employer and a poor workman, the laborer will secure the worst of it. He is progressively debased, because of wages insufficient to buy nourishing food, because of hours of labor too long to give sufficient rest, and because of conditions of work destructive of moral, mental and physical health and degrading to the laboring classes.

There can be no permanent prosperity to the working classes, no real and lasting progress, no consecutive im-

provement in condition, until the principles of unionism are firmly and fully established. The fundamental reason for the necessity of the trade union is that by it and through it, workmen are enabled to deal collectively with their employers. A trade union is an association of workmen who have agreed among themselves not to bargain individually with their employers, but to agree to the terms of a collective or a joint contract between the employer and the union. As a result of collective bargaining, the employees have been enabled to make demands and receive them from the employers. When working men are ^{able} to deal collectively for the sale of their labor, the employer will hire the man that offers to work for the lowest wage. It is impossible for this individual workman to demand shorter working hours and better conditions under which to work. Therefore, in shops which are not unionized, as a whole we find the employees working from ten to fourteen hours a day, for a wage scarcely sufficient for one man to live on and under conditions that are filthy and extremely dangerous. But, on the other hand, where the shops are unionized, the best grade of work is produced, there are short hours of labor, good salaries and sanitary conditions. In the Pittsburgh Steel Works the unorganized laborers work twelve hours a day, and for wages that are most deplorable. In these same mills, previous to the Homestead strike in 1892, the employees were unionized. At that time the wages were very high, and the eight-hour day was almost generally prevalent, there being three shifts of men in many establishments.

By the efforts of the employees, through the unions, the standard of living has been raised and maintained, and as a whole the laboring classes have been enabled to meet their employers fairly and squarely and to benefit not only themselves but the employers and the public in general. Trade unions have been so beneficial to society that they are now, almost universally recognized as necessary to the working man. Adams, in his book on "Labor Problems," says, "the majority of economists have never been 'against the union,' and today professional economists are practically unanimous in maintaining the usefulness and even the necessity of rationally conducted unions."

Since the combination of laborers into unions has become necessary for the American workman to meet his employer, since the aims and objects of organized labor are in accord with the best interests of society, since it has raised and maintained the standard of living, since more wages, shorter hours and sanitary conditions in factories have been obtained, we hold that the union is necessary to the laboring man.

Our second contention is, that the Union Shop is essential to the efficiency of trades unionism today. If the union has the right to exist, and such a right has been recognized, it has the right to exist under those conditions which are necessary for its efficiency. We do not contend that the Union Shop has been essential for the existence of unionism in the past. We admit that the unions have grown under the open shop. We hold that the Union Shop is now essential for the efficiency of

unionism, because of new conditions that have arisen in the last few years.

The chief enemies of unions are the employers' associations. The employers realize that the Union Shop is an essential factor of unionism, and they have combined for the purpose of checking the efforts of the employees. John Kirby, who was formerly president of the National Association of Manufacturers, says, "the Union Shop is the one thing needful for the solid entrenchment of organized labor, in the industrial field." He also says, "After all that is said and done about the solution of the labor problem there is only one solution to it, and that one is the utter annihilation of unionism." The chief instrument used by the employers for this annihilation of unionism, is the Open Shop. They not only favor non-union labor but they also encourage and protect a non-union man. In the Employers' Association of Dayton, Ohio, we find that the object is "to endeavor to make it possible for any person to obtain employment without being obliged to join a labor organization, and to encourage all such persons." Again in art. 10, sec. 3, of the Constitution of the Citizens Industrial Association of America, we find that they offer a reward to non-union men who will take the place of union men that are on a strike. Does not this show that the aim of the Employers' Association is the destruction of Unionism? Our opponents will tell you these associations are not against unions, but that they do not favor the Union Shop. Experience teaches us that the employers discriminate between union and non-union men. Where-

ever possible a union employee is replaced by a non-union laborer. The Open Shop means only an open door, through which to turn the union man out and bring the non-union man in to take his place. This is not theory. The history of unions has shown it time and time again.

Unionism cannot maintain its position with union and non-union men working side by side. In the Open Shop, the non-unionist must either receive the same, or a lower rate of pay. If the same rate, the union man sees no need of belonging to a union where non-union men receive the same pay, so he drops out. Suppose the non-unionist gets the cheaper rate of pay. In this case the employer will hire the cheapest man, and as a result the unionists are forced to leave the shop or else leave the union. The employers know this and take every possible chance to break down the standard of the unions, by this Open Shop. It was only a few weeks ago that a state commissioner from the legislature, while examining the shops of the garment-workers of Chicago, proved the existence of the "Black list" for union men among the employers.

Now that we have shown that the object of the Employers' Association is to destroy unionism, and that its chief instrument in doing so is the Open Shop, we shall next show to what extent they are realizing their purpose. In the report of the American Federation of Labor we find that in this Federation the membership of 1910 is 24,773 less than that of 1908. In 1910 there were 168 more charters surrendered than in 1909. The voting

strength of the Federation of 1909 was 1,012 less than that of 1908. Does this prove that the unions are thriving since the organization of the Employers' Association? Does not this show that the employers are doing their best to bring about the "annihilation of unionism" that Kirby mentions? As a means of enforcing the Open Shop the employers generally favor foreign labor. My colleague will show you wherein foreign labor is another force destructive of unionism.

Since employers' associations and foreign labor are destructive to unionism, since the Closed Shop is essential to the efficiency of trade unionism, today, because of these new conditions, and since the union is necessary to the laboring man, we insist that you accept our resolution, that the movement of organized labor for the Closed Shop should receive the support of the American People."

SECOND AFFIRMATIVE, WAYNE CALHOUN, '13 ILLINOIS
WESLEYAN

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleague has established the indispensability of the trade union to the laboring man. He has called to your attention new conditions which have arisen and are destructive to unionism, and which only the union shop can overcome. The first of these is the existence of the employers' association. In further support of this contention we desire to present for your consideration the influence which the influx of foreign labor has had and is today extending upon trade unionism.

Since the year 1900, according to reports of the Bureau of Immigration, eleven and one-half million laborers have sought employment for the first time upon American soil. Eighty-five per cent of these men were unskilled and found occupation in such industries as mining, ditching, trading or hauling. The skilled craftsmen of this country are the best organized. In the lower-class trades, where workingmen are most oppressed and must struggle hardest to earn bread, the existence of unionism is at a minimum. To occupations of this sort alien laborers flock by thousands. It is an impossibility for the born-and-bred American to live the life of a foreign laborer. Competition with Chinese and Italian workmen at from 80 cents to \$1.20 per day is an absurdity. Invariably the capitalist discriminates in favor of the cheaper hire, which means that to secure his position the American workman must submit to a wage that will mean for him ultimate degradation if not starvation. The only practical solution of the problem is a collective bargain into which the majority of the employed enter. But foreign labor, even after years of residence in this country, is only 14 per cent organized. Thus it becomes obvious how the annihilation of the trade union is being accomplished.

Secretary Morrison, of the American Federation of Labor, says, that in the last five years one hundred and ninety-four charters have been surrendered because the unions from which they came could no longer carry on their fight for American wages, hours and homes in the face of foreign competition.

In 1906, 4,320 American workingmen, 80 per cent organized, were dismissed from the service of the American Steel Company at Pittsburgh and a like number of foreigners retained at a wage 40 per cent lower than that previously paid to the Americans. In 1907, the Rochester Combined Hatters' Firm, of New York, dismissed 790 American workmen, all unionized, and an equal number of foreigners were given the positions at an approximate 50 per cent reduction in the price of hire. In 1907, 1,700 boot-and-shoe workers of the Hamilton-Brown Shoe Co., of St. Louis, all union men, were dismissed and 2,200 Russian Jews employed the same day at a 30 per cent reduction in the wage paid. Will the gentlemen of the negative say that under these conditions an employer has a right to employ whom he pleases?

Let us examine for a moment the adaptability of the foreigner to unionization. Eighty-five per cent of the steamfitters of this country are organized; 80 per cent of the remainder are foreigners. The Brewery Workers of America are 98 per cent organized; all the remainder foreigners. Carroll D. Wright estimates that the non-union men of this country are 78 per cent foreigners. The reason is apparent. It is an easy matter for them to live on one-half the amount required by the home workmen, and they see no reason for parting with their dearly earned money in the shape of union dues, the benefit of which is not at once apparent, especially when they have seen their fellow workmen dismissed from the plant because of union membership.

There are only two alternatives in this debate. Either labor will be thoroughly organized or the unions will disappear entirely. If the foreign laborer will not submit to the principle of collective bargaining and accept the same conditions under which the American toils, he has no moral right to work, for he does so to the detriment of others in his class. Foreigners labor as non-union men, and refusing to be organized, are working out the destruction of the trade union. The only other alternative is the Union Shop. Justice demands that the men who have earned the right to work, and the healthy conditions under which to work, shall be given the privilege to labor unhampered by the non-union foreigner or American. Upon this ground, Honorable Judges, we believe that the Union Shop is necessary to overcome the menace of foreign labor to unionism and ask for it the support of the American people.

In the second place, the Union Shop is essential to the efficiency of trade unionism because it increases the efficiency of the laborer. Entrance requirements to unions, as regards capability are very stringent. The bakers' union requires four years of apprenticeship, the journeyman-tailors' three, and the plumbers' three. The iron-molders, 94 per cent organized, are the finest of their kind in the world. Spain, Italy, even Russia and the Orient, have seen the advantage of using the commodities made by these union men. American typographers, 99 per cent organized, are the best in the world. American granite cutters, 96 per cent organized, have attained the only efficiency of any consequence in this craft any-

where. Not only does unionism demand adequate skill of its adherents, but grants to the employer continued satisfaction from his men. Contrary to the general opinion, the union man is just as susceptible to dismissal as the non-union man. Just as truly as unionism means efficiency, the Union Shop signifies uniform and consistent efficiency. The employers of the New York printers have admitted that in the Union Shops better work is turned out, and at a cheaper price, because better methods are used and there is more harmony among the men. This explains why two out of three of the world's sewing-machines are union made; why the Trans-Siberian railway uses union locomotives; why the Panama is being cut with union dredgers. The products of our skilled and organized trades have become the department store of the world. The Union Shop has raised the standard of both the employee and the employer. It is a simple and reasonable presumption that intelligent and skillful men, united, can do more than men who are only striving to live. Commercial supremacy depends on high grade goods, and the highest grade of goods today is produced by union men. This is advantageous not only to the consumer, but to the employer. And as the better goods means the better wage it is also desirable for the working man. Because of these facts, we plead that the Union Shop should receive the support of the American people.

We come now to our final contention that the Union Shop will improve the economic and social status of the American working man. It is an economic law that the

more numerous dissenters, the less effective the trade agreement. On the contrary, the more perfect the collective bargain, the more prosperous the wage-earner. Thus it may be seen that the more numerous the non-union men the less will be the possibility of prosperity for the American laborer through the medium of the collective bargain.

The worker in the Union Shop of Massachusetts receives 27 per cent of what he produces, while the unorganized laborer in South Carolina gets only 19 per cent; yet the Massachusetts laborer produces in one year \$715.00 more for his employer than the non-union man of South Carolina. The organized bituminous coal miners have raised their wages 40 per cent in ten years. American printers, under the Union Shop, have secured an increase of \$11.00 per week in eight years. The Union Shop has invariably secured far better reforms than the non-union shop, and the reforms which have come in the non-union shops have been in spite of, and opposed by, the unorganized employees of that shop.

Socially, what has the Union Shop done for the laborer? It has given him more time for the recreation of his body and the development of his mind. It has increased his wage, a part of which he can spend for the education of his children. It has given him a more sanitary home, a larger yard. It has established employment bureaus in which he can secure positions free of charge. The Closed Shop of the typographers maintains the Drexel Home at Colorado Springs, at which from 90 to 100 sick and infirm members are cared for. The

bricklayers' union has spent over a million and a half dollars for the same purpose. The granite cutters have purchased 166 acres of good land in New Jersey and placed 150 of their unemployed and disabled men upon it. Professor Ely says: "The efficient organization of labor is among the foremost of our educational agencies, ranking next to our churches and public schools in their influence upon the masses." Mr. Palmer, a great contractor of Chicago, said: "Fifteen years of experience has taught me that there is no labor so skilled, so intelligent and so faithful as union labor. I am a Union Shop man."

The gentlemen of the negative ask that the non-union laborers, who have enjoyed their present prosperity through the efforts of organized labor, be allowed to increase, compromising trade agreements, violating collective bargaining and destroying unionism. We ask that the union, which has lifted industrial America to its present state of prosperity, be granted the right to embrace all men in its ranks and to perfect collective bargaining. The non-union man makes up the 5 per cent of the engineers and the 4 per cent of the granite cutters. He is not the man who has toiled so industriously for the welfare of his class, and we believe he has no right to enjoy all that the union has earned for him and be protected as its foe. The Union Shop has been the force by which Labor and Capital have been climbing the ladder of progress together, making it possible to help each other. My colleague showed to you, first, that the union is necessary to the laboring man; secondly, that the

Union Shop is necessary to preserve the efficiency of the trade union, because of new forces which have arisen destructive to unionism, among them employers' associations and foreign labor. I have shown to you, in the third place, that the Union Shop increases the efficiency of labor and, fourthly, improves the economic and social status of the American working man.

Because it means liberty of the employee, because it means better goods and better workmen for the employer, because it means fair goods at fair prices for the consumer, because it means industrial peace in America, and a greater and fuller democracy, we ask for the Union Shop the support of the American people.

THIRD AFFIRMATIVE, WALTER THEOBALD, '11 ILLINOIS
WESLEYAN.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleagues have shown you that the labor union is a necessity to the laboring man. Also that the increased efficiency of the union will come as the result of the adoption of the Union Shop policy. We have shown you that conditions have arisen which are hostile to the labor union, such as the associations of employers and the tremendous influx of foreign labor. We have shown you that the Union Shop will increase the efficiency of the laborer, thereby increasing the economic status of the American workman. It now falls upon me to show how the Union Shop will be fair to all classes and thus will be in accord with the spirit of democracy.

The industrial world is divided into three classes; the

laborers, the employers and the ultimate consumers. These three classes comprise the whole social fabric. To find a member of society who is not a member of one, if not more than one of the classes, is impossible. Then it is manifestly evident that a movement which is to be fair to all society must be fair to these three classes.

The Union Shop is fair to the employer as it increases the efficiency of collective bargaining. The employer, under non-union shop rule, with individual contracts from his laborers is at a great disadvantage. He does not know how long the individual will keep his contract, nor how soon some rival employer will offer that laborer a higher wage to secure his service and cripple the business by withdrawing from its support the co-operation of the laborer. In seeking a change in his business policy, he must see each laborer individually or, as is usually the case, he disregards them altogether. (Such has been the case in the steel mills of Pennsylvania. They are under non-union shop rule. The employer in these mills does not hesitate to disregard his employees altogether in making a change of system.)

The policy of the Union Shop is radically different. The employer in the Union Shop makes his contracts with the regular officials of the union. These men are the duly authorized officials of the laborers. The employer knows just where he can find his man when he wants him. He knows that a faithful adherence to the agreements of the contract will bring just such a faithful performance of duty from the union man. There is mutual satisfaction and trust. The employer must have

a union to deal with strong enough to ensure its agreements being kept to the letter. The employers recognize that the Union Shop presents just this kind of unionism, yet they refuse to accept it. The report of the Anthracite Coal Strike Commission says, "Experience shows that the more full the recognition given to a trades union, the more business-like it becomes. In its dealings with business men in business matters, it becomes more intelligent, conservative and responsible." If the employers would adopt the policy of the Union Shop they would find they were dealing with sane and conservative men.

Again, the Union Shop will secure for the employer better service under better conditions. The Union Shop is most efficient in all trades. The man who is seeking guaranteed merchandise always looks for the union label before buying. This is significant of the high quality of union labor. My colleague has shown you that unionism means efficiency. He cited the unions of the typographers, plumbers and the bakers, who make skill, efficiency and ability to please the employer an essential condition of membership. Every railway in the land, with but one or two exceptions in the South, has the Union Shop. Every publishing house but twenty is conducted on the Union Shop policy. Among the custom tailors, there are 4,000 Union Shops, 85 per cent of the whole number. Do their shops turn out a low grade of work? Why did the manager of the Buck Stove and Range Co., upon the death of its president, Mr. Van Cleve, who was so hostile to organized labor, immedi-

ately make that shop a Union Shop? Mr. Gardner now says he is getting far more efficient workmen and far better service than ever before.

Because of this greater efficiency, the employer does a better business. The people of the land have reached that stage where they refuse work that has been done in unhealthy, unsanitary sweatshops. Another example of the high quality of union labor and the successful Union Shop is the factory where the Elgin watch is made. The Hamilton-Brown Shoe Co., of St. Louis, as my colleagues told you, tried the non-union shop, but has again become a Union Shop. The conditions under which an employee has to work in a non-union shop is well known to everyone. Picture to yourselves the steel mills of Pittsburgh, the cotton mills of the South. Visit the sweatshops right here in Chicago, and see the unhealthy conditions prevailing there. Capital is importing every year hundreds of thousands of foreign laborers to work in its factories from ten to sixteen hours a day in intolerable heat and dust. It is importing children from the mountain regions of Kentucky and Tennessee to blast their lives in the cotton mills of the South-land. Only during the last four weeks a committee from the Illinois state legislature, which has been investigating the causes and conditions of the garment-workers' strike in Chicago, made a tour of the shops of that city. They were singularly impressed with the contrasting conditions of the union and non-union shops. In the Union Shops they found skilled men working under favorable conditions and earning \$24 a week. In

the non-union shops, men and boys were working long hours in unsanitary conditions and earning only from \$6 to \$16 per week. The Union Shop certainly secures better service under better conditions.

But the Union Shop will benefit the employer as it will secure industrial peace. Under the Union Shop, where a contract is made, there are agreements and obligations on the part of the employer and the employee. The local union is backed by the American Federation of Labor in the fulfilling of these promises, and it has always been the policy of the national labor leaders to keep contracts. The editor of the Outlook, in an editorial, says that it is wonderful the number of employers who, when they have made such a contract, find their employees not only are willing, but do keep their contracts to the utmost. A strike can only be called by a three-quarters vote of the union and must be sanctioned by the American Federation of Labor. Only a few years ago, Samuel Gompers made a personal trip to Milwaukee, and pleaded and practically forced the brewerymen of that city to fulfil the contract that they had made with their employers. In 1907 their charter was revoked because of their insistence upon defying the decision of the Federation in the matter of breaking contracts. Mr. Masow, of the firm of Masow & Morrison, one of the largest contracting firms in San Francisco, says, "Under the old regime of non-union shop rule, the hiring of men for the least wage, and the employing of all kinds of tricks to gain material advantage for each other was the rule of the employer. Labor was subjected to all kinds

of unfair treatment. But under the Union Shop rule it can be said to the credit of the labor organization that with all its arbitrary power it has been eminently fair to the employer." Andrew Carnegie says that the employers, themselves, 'cause 90 per cent of the strikes. Statistics show that 75 per cent of the strikes are for higher wages and better conditions, and come as a result of non-union shop policy. The policy of the Union Shop is one of industrial peace, as these facts show.

The Union Shop will be beneficial to the consumer, as it will secure him better goods at better prices. The consumer is seeking full value for money. When he knows he can get that full value in a union-made article, that is the article he will purchase regardless of price. I have shown the high quality of union-made merchandise. Consequently the Union Shop is a benefit to the consumer. The improvements in the economic status of the laborer which my colleague has shown result from the Union Shop policy will benefit the country. A man can be a better citizen when conditions are favorable than when he is constantly dominated by the power of the favored few. The best citizen is not the man who, suffering under his oppression, becomes radical and frankly antagonistic to the dominating classes over him. The Union Shop is fair to the laborer, as has been shown in the higher wages and better hours and conditions. It improves the economic status and increases his efficiency.

Thus we have shown that the Union Shop is fair to employer, consumer and laborer. Since it is fair to these classes, it is strictly in accord with the principle of dem-

ocracy. Gladstone said that trade unionism was the bulwark of modern democracy. Wendell Phillips, speaking of unionism said, "It is my hope of democracy." Democracy is seeking the greatest good for the greatest number, thereby avoiding class legislation. We have shown that the Union Shop is fair and advantageous to the three classes comprising modern social life. Such being the case, it brings about the greatest good to the greatest number and does not bring any class into actual domination. This is in accord with the highest principles of democracy.

Honorable Judges, we have shown that the Union Shop is essential to the increased efficiency of trades unionism today because it is demanded by the birth of new forces destructive to unionism, such as the employers' associations and foreign labor. It is essential because it will increase the efficiency and raise the economic status of the American laborer. The Union Shop is fair to the employer, the laborer and the consumer, and is thus in accord with the spirit of democracy. Therefore, it is upon these contentions that we rest our case.

*NORTHWESTERN COLLEGE (NAPERVILLE) vs.
ILLINOIS WESLEYAN*

FIRST NEGATIVE, THEODORE FIEKER, '12, ILL. WESLEYAN.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: At the outset we of the negative wish it explicitly understood that we do not question the value of unionism to the laboring class. We agree with the gentlemen of the affirmative that unions have raised wages

and bettered the economic and social conditions of the laborers. However, we do not admit that all of the betterment of the social and economic conditions of the laboring classes is due to the trades-union movement. There has been an economic advance in all classes of society, and some employers, like those of the National Cash Register Co., have done more for their workmen than the unions ever thought of doing. We are not hostile to labor organizations; we have as vital and sincere an interest in the working classes as have our worthy opponents. But we contend that the Closed Shop movement is a class measure which unionism promotes in its own interest, and to the detriment of all the non-union world of workers. Furthermore, should the movement attain its consummation it would confer upon unionism such a complete control of American industry as the history of unionism has shown that it would be unsafe for it to possess.

We of the negative base our contention upon three general arguments. First,¹ that the movement of the Closed Shop would tend to give to unionism a complete control over the laborer, and consequently over the industry of the country. Secondly,² that restriction of membership is an inherent necessity involved in the movement for the Closed Shop. Thirdly,³ that it is absolutely unfair and unjust to all classes affected by such an agreement.

It is my purpose to prove to you, first, that the Closed Shop movement places in the hands of unionists, monopoly control over labor, and consequently over all produc-

tions. Secondly, that such a monopoly would be dangerous to the economic welfare of the nation.

My honorable opponents will agree with me that the Union Shop policy gives union labor control of all labor in every shop that is closed. They will further agree that the movement for the Closed Shop has as its purpose the closing of every shop in every organized industry. In support of my first contention, that the Union Shop means union control of all production, let me quote to you from four different sources. In 1905 the Central Federated Union, which comprises all the unions of the city of New York, sent out letters to all its constituent unions urging them to use every possible means available to oppose the passage of two bills which were before Congress and which were directed against trusts and monopolies. Prof. Adams, of the University of Wisconsin, says: "Practically every union, like every other trust, is anxious to effect a complete monopoly." We have the authority of Prof. Seager, of Columbia University, in saying that labor "monopolies have existed and do exist, and the realization of them is the deliberate purpose of many trade unionists."

John Mitchell himself confesses that if the union is working, not for the interest of all the men in the trades, but of the members who are not at that time in the union, then its refusal to work with non-unionists is monopolistic. Surely, in the face of the facts, the gentlemen from Iowa will not attempt to maintain that the Closed Shop does not secure labor monopoly.

Such a monopoly as that involved in the Closed Shop

policy is undesirable because the history of unionism has shown that it would be unsafe to entrust to it the complete control of production. 65 per cent of all strikes called during the last twenty years have been expressly ordered by the unions for the purpose of dictating terms of contract, and 65 per cent of all the establishments affected were closed for an average period of twenty-four days. Now a mere quitting of employment, which is all a legal strike embraces, would never have kept closed for an average of four weeks 65 per cent of all establishments affected. In truth, whenever employers have endeavored to continue their business the unions have spared no means to thwart such attempts. In the anthracite coal strike of 1902, because the employers attempted to continue business and meet the public needs, the history of that strike, in the words of the commission, was "stained with a record of riot and bloodshed. The questions involved in this controversy were not of such importance as to justify forcing upon the public consequences so dangerous to the peace and well-being of society." The United States Supreme Court held that the Danbury Hatters' Strike was illegal because the Hatters' Union resorted to the boycott and other selfish methods that were designed to destroy the lawful business of a peaceful citizen." Again quoting from Professor Adams, "If labor organizations wish to divorce themselves from violence they must come out positively and assist by deeds as well as by words in the suppression of it. "But this," he says, "Is exactly what most labor organizations have refused to do." "If trade

unions," he goes on to say, "continue to shield, by even so little as silence and passive indifference, the 'scab-sluggers' and the bomb-thrower, they will eventually find the great mass of disinterested people arrayed against them as strongly as in the past they have been arrayed in their support." I have it direct from the lips of a prominent labor leader, that one reason why unions have refused to incorporate is simply to be better able to protect the criminals within their ranks. Labor unions have refused to expel the undesirable citizens from their ranks, even going so far as to pay the lawyer's fees and fines of some of the most dangerous robbers and the worst murderers that the law defines.

Thus we see that unions' history is blotted with scenes of violence, bloodshed and crime. Not one month in ten years has passed in which the state governments have not been compelled to subdue with the iron hand of justice the violence and lawlessness of unionism. This, Honorable Judges, is the tendency of the Closed Shop movement. Without the limitation which employers' rights and the non-union competition imposes, we are justified in presuming that unionism in its monopoly would excel all bounds of reason. Against such a probability we ask that you deny the Closed Shop resolution.

My second contention is that such a monopoly would be dangerous to the economic welfare of the country. The paramount evidence in support of this point is to be found in the restriction of output, which has followed in the trail of the Closed Shop. In the City of New York, where the Closed Shop has reached a high state of perfection, the by-laws of the lathers' union specify a day's

work not to exceed 1600 laths, less than half as much as the same men did before the Closed Shop policy became effective. The plasterers' union has limited its members to performing less than two-thirds the amount of work that a normal employee could do in an eight-hour day. Union men confess that they are often able to complete their required day's work in four hours. The by-laws of the brotherhood of carpenters contain provisions for the punishment by fine or even by expulsion of the members found guilty of doing more than the prescribed work for an eight-hour day. The marble and tile setters of New York, working under highly perfected Closed Shop conditions, have limited the output of a member of that association to less than one-third of that of a Chicago tile setter and to less than half of that which should be expected. The stone-cutters' association and the stone traders of New York have entered into an agreement by which it is impossible for stone dealers who are not members of the Stone Traders' Association to either secure stone or labor of any kind. Similar agreements exist between the plumbers' union and the employers' Association; the members of the unions work only for the employers' association and vice versa. This is conclusive evidence both of restriction of output and of unjust discrimination in favor of both the union and the association.

When the Closed Shop was in vogue in the city of Duluth, not only were non-union men excluded, but the union actually discouraged the importation of other union men to the city. By thus securing arbitrary control of the labor supply the unions were enabled to ob-

tain not only the highest wages but to subject the building industry of the city to dire restrictions. At this time in the aforesaid city, building operations were suspended and business in general was on the decline although the prosperity of the country was at its height.

During the rebuilding of the city of San Francisco a sudden demand was created for many extra thousands of workmen in the building trades. In spite of this demand the unions prohibited the entrance of outside labor, even barring the members of their own union from coming from other cities. In this way the wages of the men under the Closed Shop policy doubled and even trebled in many cases.

The ratio of increase in the power of the union under the Closed Shop corresponds exactly with the ratio of decrease in the number of apprentices which it allows, under its rules, to learn a trade. Many of the trade-unions allow only one apprentice to every ten journeymen, thereby limiting its membership, so that it does not endanger the monopoly by an oversupply of labor. It is evident, therefore, that the union entrenched in the Closed Shop holds back the great mass of outside labor. These facts prove conclusively that the Closed Shop means a monopoly benefiting only those in the privileged union. Wherein is this consistent with our opponents' contention that unionism shares its benefits with all classes? Let the gentlemen answer.

In conclusion, Honorable Judges, let me say I have shown that the Closed Shop places in the hands of unionists monopoly control over all labor and conse-

quently over all industry. I have further shown that such a monopoly is dangerous and destructive to the economic welfare of the country, because of the general violence and lawlessness of methods connected with strikes, because of restriction of output, and because of the limitation of membership. In the face of these facts I ask that you deny that the movement of organized labor for the Closed Shop should receive the support of the American people.

SECOND NEGATIVE, CHARLES STEWART, 'II, ILL. WESLEYAN.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleague made plain to you the monopolistic tendencies of the movement for the Closed Shop. He showed that, if it be given the impetus of public endorsement, the movement will confer upon unionism a control over industry such as it could not be expected to exercise with safety to the American people. He maintained that unionism, by its acts of violence, by its selfish demands, by restriction of output and by limitation of membership has proved itself to be unfit to be trusted with arbitrary control over our nation's industry.

Now Honorable Judges, it falls to my lot to advance the negative argument by showing, first, that with the spread of Closed Shop movement, the life of unionism, depends more and more upon limitation of membership; secondly, that such a restriction of membership, when membership is the condition of working in an industry as it would be under the Closed Shop, would be the exploitation of the men excluded by unionism; and, thirdly,

that such an exploitation of one class by another is absolutely contradictory to American ideals.

There are in American industries more men seeking employment than there are jobs at which they may work. This accounts for the fact that workmen are competing among themselves to get what jobs they can. The rate of wages which this state of affairs has brought about is commonly called the "competitive rate," and it is nearly always fixed at a lower figure than that to which the workmen feel themselves entitled. However, the lower the competitive rate, the larger the number of workmen that can be given employment, for the employer can afford to hire more cheap men than high-priced ones. But even in spite of the relatively low competitive rate, there is an appalling amount of unemployment due to the excess of workmen over jobs. The Bureau of Labor Bulletin affords the best statistics on this subject that have been produced in America. These statistics show that the percentage of time lost in the skilled trades due to unemployment averages 20 per cent and sometimes rises to 30 per cent. While it is almost impossible to get the actual statistics for the unskilled trades, the opinion of experts indicate that the percentage of unemployment therein is much higher. Adams says that among the workers the proportion of time lost is, on the average much higher in the unskilled than in the skilled trades. But we will confine ourselves to the more tangible figures of the skilled trades. Counting out the unemployment due to sickness, disability, lack of materials, bad weather and other unavoidable causes, a little

more than three-quarters of all unemployment can be charged to the excess of workmen. That is, practically 16 out of every 100 are out of employment through lack of work. In other words, there is steady employment for only 84 out of every 100 workmen. Therefore, the excess of men over jobs approximates 20 per cent.

When the Closed Shop policy is enforced in an industry, one must have a union card to get work in that industry. As a result, the non-union men will flock to the doors of the union, seeking membership. In its attitude toward all these men the union must be either wide-open or restrictive. Let us suppose that, in accordance with our opponents' contention the union in a certain industry in which the amount of unemployment is normal, should throw open its doors and embrace all the men in the industry into membership. On the one hand, it has adulterated the character of its membership by forcing into it the most refractory kind of material. Those who are thus brought in by coercion have up to this time refused to join the union until compelled to do so under pain either of starvation or of abandoning the industry. They have remained without the union so long as they could exercise their own choice in the matter. This means one of two things; either they have seen something inherent in unionism which has made it uninviting to them, or there has been something wrong with them which prevented them from seeing the advantages of unionism. In either case the compulsory combination of two such repellent forces certainly can not result in anything else but discord and dissension. In

the words of John Graham Brooks: "The most able labor leaders of this country hold that the power of the Closed Shop, if generally applied, would be unsafe. They fear that the compulsory element is dangerous, that the progress of the union should depend upon persuasion and upon merit."

In considering the second serious problem let us again refer to the 20 per cent excess of men over jobs. Now, according to our primary supposition, the union has received into membership all the men in the industry. But, as we have shown, 20 per cent of the members of the union, under this condition, would be idle. However, these men who in the past had refused to ally themselves with a union have now gone into the union only upon the presumption that they can thus secure work in their chosen trade. Consequently, since in the first place these men are of the most refractory character, and since in the second place they joined the union upon the condition that the union would furnish them with work, the natural result of this enforced idleness would be the ruination of the union. Concerning the case of the open union, Professor Seager, of Columbia University, says: "The unemployed would become dissatisfied and force the union to lower the standard rate until the demand would absorb them as well as their more fortunate fellows. In that event the standard rate would be brought to correspond closely to the competitive rate, as it was by the competition of non-unionists in the previous case." Thus the union would be deprived of all the advantages which it exists to secure,

and, therefore, we must conclude that the open union in a Closed Shop industry could only result in the destruction of the union.

But, ladies and gentlemen, the unions will not commit suicide. The unions in one or two industries might attempt to harbor more men than they have jobs at their disposal, but their experience in this regard would be sufficient to convince all other unions of the folly of such a practice. We must be understood here. We do not contend that unionism would thus bring about its own destruction. We simply contend that under the Closed Shop the unions could not be open without such results. Therefore, we maintain that unionism will resort to the only measure by which it can survive, and that measure is to so restrict its membership that the number of men and the number of jobs will correspond. As we have shown before, this would involve exclusion of the excessive 20 per cent. And, again, let me remind you that we are arguing from the standpoint of the organized industries as a whole, and not from particular industries.

Thus far I have shown you that restriction of membership is inherent in the Closed Shop movement. But the immediate result of such a policy would be to throw over 1,000,000 American workmen out of their trades. All of these workmen must then take their choice between starvation or searching for work in non-unionized industries. Now the general effect of compelling these million workmen to secure what work they can in the unorganized fields cannot be otherwise than deleterious. As we have previously shown, even now the excess of

workmen over jobs in the unorganized industries exceeds 20 per cent. To precipitate one million more into such crowded fields of work would mean the utter demoralization of the unorganized workmen. These fields are already occupied by great multitudes of foreigners, who are of such a character as to make it absolutely impossible for the American laborers to compete with them. Therefore, between Closed Shop unionism on the one hand, and foreign labor on the other, as the upper and nether millstones, American workmen in the unorganized trades, both those shut out of the organized trades as well as those who formerly occupied this field, would be ground to powder.

In conclusion, Honorable Judges, it must be evident that the Closed Shop movement, while it gives to unionism untold advantages, would do so only at the expense of the great mass of workers outside the unions. We believe that a measure which enriches one class by impoverishing another is unjust and indefensible. We believe that the Closed Shop movement is an obstacle to social progress, for, says Professor Patten: "Progress depends not on strengthening the strong, but on protecting the weak." We believe, further, that the laborers outside the union have rights as sacred and as inviolable as the laborers inside the union, and that any attempt to trample upon those rights is inconsistent with the lofty ideals of true Americanism—a fair and equal chance, equal reward for like merit and justice to all without license to any.

Honorable Judges, I have established the contention

that owing to the large excess of workmen over jobs, Closed Shop unionism must mean closed unionism. For if the unions should try to embrace all the workers in the organized industries, internal competition for the spoils of employment would rend unionism asunder, having by its own policy coerced into membership that very element which is most dangerous to its life. Therefore, since it will restrict its membership to correspond to the number of jobs at its disposal, it will dislodge over one million American workmen from their chosen occupations, and compel them to secure what work they can in the non-unionized fields. This will only sharpen the competition in these already crowded realms, and in all the struggle the low-lived foreign labor will have the greatest advantage. Consequently, under the Closed Shop, without restriction of membership unionism will perish, and with restriction of membership unionism will not only secure, as my colleague has shown you, a labor monopoly which is dangerous to the economic welfare of the nation, but it will also subject the excluded non-unionist, together with all the rest of the laborers of the country outside the union, to most indefensible wrongs. In the face of these facts we maintain that such a movement is undeserving of the support of the American people, and we ask you to defeat the resolution.

THIRD NEGATIVE, HAROLD FLINT, '12, ILL. WESLEYAN

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleagues have shown that the adoption of

the Closed Shop policy would secure for unionism complete control of all labor and, consequently, of all production of the nation. They have shown that such a monopoly, because of its restriction of output, limitation of membership, acts of violence and selfish demands, is unworthy and incompetent to be trusted with such monopoly power. And they have shown that, owing to the large excess of workmen over jobs, the life of unionism depends upon the restriction of its membership, a policy that subjects the great mass of non-union laborers to indefensible wrongs. We come now to consider the effect of the Closed Shop upon all the parties involved in such an agreement. We must not only consider its effect upon the non-union man whom, as shown by my colleague, it excludes, but we must also consider its effect upon the employer, whom it binds hand and foot by the fetters of its dominion, upon the public, which it would have the power to exploit, and upon those basal principles of the American Government which such a proposition repudiates.

Ere this it must have become obvious to you that the case of the non-unionist is a prime consideration of this entire discussion. As stated before, my colleague has shown you that unions must necessarily limit their membership under pain of self-destruction, and that such a restriction of membership would be the exploitation of the men excluded. This, in itself, is enough to prove the undesirability of the Closed Shop. But let us go further.

In the words of Carroll D. Wright, "A labor union is a voluntary organization and is, therefore, like all

other organizations, subordinate to the laws of the land; it cannot enter upon legislation in the establishment of rules that are inimical to the laws that apply to everyone else. Yet the union, in its endeavor to secure its own ends, sets itself up as a distinct governing agency, assuming to control those who do not join it, and to deny to them the personal liberties which the members claim for themselves and which the constitution guarantees to all." From this policy it is self-evident that coercion is the only means beside the attraction of desirability by which the union can hope to enlist the non-union man. But the policy of coercion is against the law. According to the supreme court reports of the state of Vermont, Vol. 59, page 273, in the case of the *State vs. Stewart*: "Every man has the right to employ his talents, industry and capital as he pleases, free from the dictation of others; and if two or more persons combine to coerce his choice in this behalf it is criminal conspiracy."

Furthermore, any discrimination against the non-union man is illegal. Judge Vaughn, of the New York Supreme Court, cites seventeen federal cases showing that to create or maintain a monopoly of labor is expressly prohibited by statute, and an injunction is authorized to prevent it. John R. Commons, in his volume on Trade Unionism and Labor Problems, page 194, cites thirteen specific cases showing that the union cannot use the force of its members to crush the non-union man. Thus the union under the Closed Shop either condemns itself under the law by the exclusion of the non-unionist,

or it must resort to coercion, which is also illegal. Regarding this, let me again quote from Carroll D. Wright, who says: "A labor movement, or other movement, whose purpose can be accomplished only by violation of the law, has no right to exist." Thus in either case, Honorable Judges, you are asked to support a movement which is a resort to illegal methods, having, therefore, no right to exist.

But under the Closed Shop the employer must also discriminate against the non-union man. In regard to this we find that it is just as illegal for the employer to discriminate against the non-union man as it is for the union to discriminate against him. The New York Supreme Court, the superior court of Massachusetts, the circuit court of Wisconsin and the appellate division of the Supreme Court of New York all declare that a Closed Shop contract is contrary to the criminal law of the state and is, therefore, void. Therefore, any discrimination against the non-unionist, either by the union or by the employer, a condition which is inherent in the Closed Shop, is illegal and outrages those rights which the Constitution insures to all. In the face of these facts we ask the gentlemen from Iowa what they propose to do with the non-union man.

Turn now to the employer. What are his rights? In the first place his choice to employ whom he pleases when they seek employment is repudiated by the Closed Shop. The history of the last twenty years shows conclusively that the purpose of unionism to dictate to the employer whom he should employ has been an ever in-

creasing cause for strikes. Take, for example, the great Steel strike of 1901, when 130,000 men quit work, not for better pay, not for shorter hours, but ultimately and solely for the purpose of dictating to their employers who should be employed. Again, the employer has the legal right to purchase his material where he pleases, but this receives no recognition under the Closed Shop. During the last thirty years there have been strikes in almost 3,000 establishments for the purpose of dictating to the employer where he shall buy or sell his materials. As a specific instance, take the New York stone-cutters' union, which refused to work upon stone cut in Georgia, and by union men.

But this does not tell the whole story. The employer is further fettered with regard to the machinery he may employ. According to John R. Commons, "It is a union condition that industry is to be blocked by the prohibition of machinery, and this is shown in the case of the stone-cutters who have shut down all the planers in Chicago, and in the case of the carpenters, who will not allow a patent mitre box to be used. Of ninety stone-cutting firms in Chicago, only twenty have machinery; and the unions in their trade agreements invariably insist upon an anti-machinery clause." Furthermore, disregarding the legality of such a condition, the employer is unjustly restricted because he cannot employ an efficient non-union workman, even though he be glad to pay the union wage. He is restricted in the choice of the men he employs, in the wage he pays, in the plant he builds, in the machinery he buys, in the

materials used, in the amount produced, and in every detail and process of his lawful business. In the face of such an invasion of employers' rights is it not natural that they should combine themselves into employers' associations, as they have done in San Francisco, Duluth, Dayton and other cities, to combat the Closed Shop movement?

But the right of any individual, the employer or laborer, dwindles into insignificance compared with the dangers resulting to society from the selfishness of six or seven organized men who set their rights above the rights of all other parties. It matters not how this selfishness manifests itself, whether in the disregard of the law or in the exploitation of the non-unionist; they are but manifestations of the underlying spirit of the Closed Shop movement. In passing now to the consideration of the public, we find that thus far the movement for the Closed Shop has been characterized by an absolute refusal to safeguard public welfare. In January, 1902, the coal dealers and the teamsters in the city of Chicago entered into an agreement which provided that none but members of the union should be employed, and that the teamsters should work for none but members of the association. With this understanding, the agent of the teamsters stopped the delivery of coal to the great firm of Marshall Field & Co., that winter, until that firm signed a two-years' contract with the union to use coal gas instead of natural gas during the summer. By virtue of a similar agreement the treasury of the stonecutters' union received a bonus of 10 per cent on all

contracts entered into by the stone trades association. As a final instance of this kind of public injustice I call your attention to the fact that last June, in the city of Chicago, the milk dealers' association and the milk wagon drivers' union perfected a closed agreement. They decided that one delivery of milk per day was sufficient for the people of Chicago. On June 5th, Dr. Arthur R. Reynolds, commissioner of health, wrote a letter to the milk dealers' association, the milk shippers' union and the milk wagon drivers' union, the three organizations which absolutely control the milk business of Chicago, protesting that a single delivery of milk in the poorer districts of the city threatened an increased mortality among little children. No attention was paid to this, and I quote from the weekly bulletin of the Chicago board of health a month later, which reported: "In the last week of June the deaths among infants and young children were 123; this week 172 such deaths were reported, showing an increase of 40 per cent." Ladies and gentlemen, these are specific instances of how the Closed Shop, with its monopoly power, affects the welfare of the American people. These are examples of the conditions to which you are to subject yourselves in supporting the proposition presented here this evening. And we ask you, under the stress of self-protection, that you give to the movement of organized labor for the Closed Shop your complete condemnation. Here is the complete cycle of Closed Shop injustice. We have shown that such a policy means monopoly control. We have shown that such a policy of power is unjust.

tifiable from every standpoint of human liberty, for its unrestriction is unfair to the great mass of non-union workers, and its monopoly not only impairs the welfare of the employer and the helpless consumer, a welfare linked inseparably with that of labor, but endangers the very lives of the American people. The vital indictment of the Closed Shop, therefore, is its despotic and selfish monopoly which destroys the rights of the employer and the non-unionist, and jeopardizes the prosperity and even the life of the American public. Against such a policy we plead.

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THE PARLIAMENTARY VS. THE PRESIDENTIAL FORM OF GOVERNMENT

MORNINGSIDE COLLEGE vs. UPPER IOWA UNIVERSITY.

Upon the withdrawal last spring (1911) of Simpson College, Indianola, Iowa, from a triangular arrangement, Morningside and Upper Iowa were left to meet each other upon both sides of the question, and, accordingly, held a debate at each school April 21. They divided honors, each winning at home on the affirmative. This dual arrangement has been tried at several western schools during the past winter; whether it will prove as popular an arrangement as the triangular is doubtful.

They stated their question as follows:

Resolved, that the Parliamentary form of government is better adapted to the needs of a progressive and democratic nation than the Presidential form.

The speeches printed here were contributed by Mr. Charles A. Marsh, Head of the Public Speaking Department of Morningside College.

PARLIAMENTARY VS. PRESIDENTIAL FORM OF GOVERNMENT

MORNINGSIDE COLLEGE vs. UPPER IOWA UNIVERSITY

FIRST AFFIRMATIVE, H. H. HUDSON, MORNINGSIDE

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: We are met tonight to discuss a question with which you are already somewhat familiar. It is not a new subject. It deals with governments which have been in operation for generations, but whose main characteristics are so vastly different that the comparison of the two forms is a natural subject of debate. The question is stated: Resolved, that the Parliamentary form of government is better adapted to the needs of a progressive and democratic nation than the Presidential form. From the statement of the question, then, the debate this evening will be upon *forms* of government, the Parliamentary form and the Presidential form. Of these two forms we are to consider only their inherent principles, and not the technicalities or minor characteristics which we may discover in the operation of either. In other words, we are to discuss essentials solely, and not non-essentials. Before we progress further into the merits of the question, however, let us make clear the meaning of its terms. In the first place

we must not confuse the terms *nation* and *government*. According to Prof. A. V. Dicey, the term *nation* includes a territory, a group of persons living thereon, and the institutions and customs which have grown up among them. The word *government* is defined as being that institution or machinery in a nation by which its business is transacted. After defining the term *nation*, the question next presents itself: what is a progressive and democratic nation? For the purpose of this debate, we may say that any nation is progressive which is advancing along the four general lines of industry, education, politics and social standards. Similarly, a democratic nation is one which is democratic industrially, educationally, politically and socially. Having determined what we mean by a democratic and progressive nation, the question naturally arises: what are its needs? For it is obvious from the statement of the question that that form of government is preferable which best meets the needs of this nation which is democratic and progressive.

A nation just emerging from a condition of savagery would naturally require a different government than one having a history covering centuries of advancement in various directions. But the nation we are to consider may be any nation, new or old. It is to be, however, a progressive and democratic nation, and as such its government must naturally fulfil certain fundamental requirements. Here we find a consensus of opinion among political scientists, for they invariably lay down the following three needs of the government of such a nation: First, the government must be *stable*, insuring firmness

and steadiness in the performance of its functions; second, it must be *responsive* to the will of the people whose business it transacts; third, it must be *efficient* in its operation, for governmental inefficiency spells disaster to any nation.

It now remains to distinguish between the two forms of government mentioned in the question. In consulting authors on subjects of this kind, we find that they always denote certain distinctions between the Parliamentary and Presidential forms of government. Such distinguished political scientists as Dr. John W. Burgess, of the Columbia University Law School; Governor Woodrow Wilson, of New Jersey; Professors Moran and Macy, and Dr. Lawrence Lowell, of Harvard University, all agree that there is a fundamental distinction between the two forms. This is clearly stated in the words of Dr. Lowell, who says: "The essential characteristic of a Parliamentary government consists in the fact that the executive can remain in office only so long as he receives the support of the legislature." And, quoting Mr. Burgess: "The Presidential form of government is that in which the state makes the executive independent of the legislature both in tenure of office and prerogative, and furnishes him with sufficient power to prevent the legislature from trenching upon the sphere marked out by the state as executive independence and prerogative." Hence we see that the basic distinction lies in the relation of the executive to the legislature, that in the Parliamentary form the executive is dependent upon the legislature both as to tenure of office and prerogative,

while under the Presidential form the executive is independent of the legislature both in tenure of office and prerogative. And bear in mind, ladies and gentlemen, that in speaking of the executive in this debate, we refer to the real executive, that body that really exercises executive powers, and not to the nominal executive such as is the King of England or the Emperor of Germany.

Now, gentlemen, we have before us two distinct forms of government with the essential characteristics of each. According to the question these two forms are to be applied to the *needs* of a progressive and democratic nation. Where that nation is, under what other conditions it exists, and what other characteristics it possesses, are not within the bounds of this debate to consider. We are not confined to any particular nation existing at the present time; the question does not limit us to any nation of the world today or yesterday. We are concerned solely with a nation having the two characteristics of democracy and progressiveness. Any other characteristics discussed tonight must hence be discarded as irrelevant and impertinent to the debate. Here, then, Honorable Judges, are two forms of government applied to the *needs* of a progressive and democratic nation. The affirmative in this debate are to uphold and defend the basic principles of the Parliamentary form and show you wherein it best meets the needs of this nation. The duty of the negative, on the other hand, is to point out the salient features of the Presidential form and show you wherein it surpasses the Parliamentary. And it is for you to decide, Honorable Judges, which of the two forms

best meets the requirements of this progressive and democratic nation.

To intellectual hearers it hardly need be proved that a nation such as we are considering here should possess a government that is stable in its operation. Indeed, the idea of stability has followed the spread of democratic government wherever it has gone. And today we find that government the most successful and efficient which possesses a sufficient degree of stability to guard against internal uprisings and insure a steady, firm government, at the same time permitting enough of that change in the direction of advancement which all governments must enjoy. Professor Leacock defines stability as, "That necessary quality in a government which makes for equilibrium and solidity under all conditions and at all times."

The Parliamentary form of government is stable because the machinery of government is not disturbed by a change of administration. It is not a form of government which invites revolution and disruption at every change of executives. It is firm and reliable at all times. It is not easily upset, and never does it subject the people of the country to the hazards of weakness in times of crisis. According to its fundamental characteristics, in the Parliamentary form the executive and legislature must be members of the same political party. From the leaders of the party in power are selected a group usually called the cabinet. This group of party leaders composes the executive, and they are individually at the heads of the various departments of government, such

as the treasury, foreign affairs, the interior, and so on. It follows, then, that they are better informed than any one else as to what legislation is desired in each of the departments. They meet and discuss measures proposed by the different members. After a thorough consideration by the whole cabinet, the measure, if found to be a desirable one, is supported by that body in the legislature. Here a second discussion of the proposed measure takes place, and if it meets the approval of the legislature, the measure is enacted into law. If it does not meet their favor, it is voted down. When this incident occurs: namely, when the legislature does not support the measures brought before it by the cabinet, the latter have their choice of two alternatives. First, they may resign and make room for a newly appointed cabinet from the same legislature; or, second, they may dissolve the legislature and, by calling for a new election, find out what policy the people of the country are in favor of. If a similar legislature is returned, the cabinet immediately resigns its position to a newly appointed cabinet which will be in harmony with the legislature. If a legislature is returned which upholds the politics of the cabinet, the latter body remains in office and continues its work as before. Thus we see that whenever the policies of the legislature and the executive disagree on a vital issue, one body or the other must vacate its position and make room for a new body. This very feature of the Parliamentary form which we maintain is a necessity in a democratic and progressive nation, proves the fact that this form of government is

stable, because it can withstand this change of officers. No other form of government on the face of the earth is able to undergo a change of administration as quietly and safely as is the Parliamentary form. Professor Macy says ¶ "The change of officers in the Parliamentary form, instead of implying an unstable government, in fact proves just the reverse. The great body of the public servants remain in office. This permanent and non-political administrative force exercises an important influence over political matters, and the very fact that government can bear a change in heads of the departments is the most striking proof of its stability."

In this debate we do not uphold the Parliamentary form of government as the most stable form that has ever existed. We do not maintain that it is more stable than other governments existing at the present time. But we do claim that it possesses the necessary degree of stability which is adequate and sufficient for a progressive and democratic nation. Authorities on political science do not always agree. But in one particular, at least, their opinions invariably coincide, and that is the fact that the most stable form of government possible is an absolute monarchy. In most governments where the greatest amount of stability prevails, there we notice a striking lack of progress and advancement. Those governments which claim to be the most stable are invariably the least progressive, and this is especially true of absolute monarchies. Again, I say, the Parliamentary government is not the most stable form of government, but it is sufficiently stable to tide the nation over any

crisis. As a proof of this statement, I need but point to the convincing fact that in no nation possessing the Parliamentary form of government has there ever occurred a civil war or a revolution. Even in Italy, a country inhabited by a people who are rebellious in character, not a sign of revolution has manifested itself since the adoption of the Parliamentary form of government in 1848. But previous to that date the history of the nation is black with rebellion and civil strife.

The record of Parliamentary administration is similarly clear in other countries. Canada, Australia and England have all found the Parliamentary form sufficiently stable to avert any tendency toward revolution, and to successfully conduct the destinies of the nation through all crises and at all times. Walter Bagehot, the most eminent political authority of the last century, says: "What more is desired of any government than that it possess the degree of stability which is found in the Parliamentary system?" It is a fact known to political students the world over that an over degree of stability brings with it a corresponding lack, in the government, of the ability or tendency to progress. The Parliamentary system is a most excellent example of that high type of government which combines a sufficient degree of stability with the element of progress and achievement.

SECOND AFFIRMATIVE, N. L. HACKETT, MORNINGSIDE

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleague has pointed out to you the three fundamental needs of a progressive and democratic gov-

ernment: namely, stability in organization, responsiveness to popular will, and efficiency in operation.

We are discussing a government for a democratic and progressive nation; hence, that nation must be up-to-date and civilized. If a nation is civilized to the extent that it is democratic and progressive, its inhabitants will know how to use whatever power is entrusted to them. The people of such a nation know what their needs are; they have had sufficient history upon which to base sound judgment for the future. They will be sufficiently acquainted with the methods of government to act intelligently. Democracy is no experiment; civilized nations have been acquainted with it ever since old Greece led the world.

Now, if according to the spirit of the question this nation must know its needs, who would be better able to direct affairs than the people themselves? Who would better guide their representatives than the people who elect them? And, since a democratic government is by definition, "of the people," why should it not be "for the people and by the people"?

The Parliamentary form of government is more responsive to the will of the people than the Presidential form. By responsiveness we do not mean changeableness nor do we mean instability; we mean that the government to be responsive must be in harmony with the people. It must feel the needs of the people and attempt to satisfy them.

The Parliamentary form is more responsive than the Presidential form because the tenure of office of the

representatives of the people is not fixed. In a representative democracy the people elect certain ones of their number to do their bidding. Under the Presidential form these representatives are elected for a fixed term of years and are, therefore, beyond the control of the people for that term. They cannot be called to account for anything in a political way until their term expires. Under the Parliamentary form, these representatives are elected for a term of years but are constantly responsible to the people. If an official is unsatisfactory he does not have a term of disgrace to live through. If he is out of harmony with the people, the government does not go through a period of stagnation until his term is ended, but he is replaced by one who is in harmony with the wishes of the people.

Simply because the term of office of the people's representatives is not fixed does not mean that they are constantly changing, but it does mean that they must truly represent the people. The people elect a man to carry out certain policies. They put a party in power on a certain platform. But whose policies are these? Are they the policies of one man? No. It is the votes of the majority of the people that put them in power. They are the policies of the majority of the people, and the people should have power to compel them to be put in force.

The argument is made that when the ministry is outvoted, progress stops until a new election is held, that the government is tied up. But, gentlemen, is not the government tied up when there is a deadlock in the Presidential form? The policy of the nation is abso-

lutely blocked when the legislature refuses to legislate, and the executive refuses to execute the laws according to the policies of, and in harmony with each other. What is more, this deadlock is spread out over a period of years instead of being terminated immediately. What better could happen than immediate readjustment? Would any more be accomplished by leaving the disharmonious government intact? No! It would be far better to harmonize the government as soon as possible rather than to continue the stagnation over a period of years. So long as the two departments are antagonistic, stagnation is inevitable, and the sooner harmony is brought about just so much sooner will the nation's progress return.

The Parliamentary form is responsive to the will of the people because responsibility is fixed. The people know just whom to blame for the undesirable acts and whom to praise for the good acts. The ministry must accept the responsibility for every act that is introduced into the legislature that has any direct bearing on the government. If a bill is introduced that pertains to one of the departments of government it is referred directly to that department for consideration and not to some irresponsible committee who cannot be called to account for their actions and who are not even politically interested in the outcome of the measure. With the minister it is different. He is vitally interested in the outcome of the measure, for upon it depends his political life. Consequently, he will not make a hasty decision. He will

not let an unworthy measure slip through simply to please some personal friend.

Then in the legislature every bill that the ministry presents must be voted on and the record of yeas and nays will tell just where every legislator stood on the measure. The bill cannot be sidetracked and smothered in some subordinate committee where so many of the desired reforms are laid at rest in the Presidential form. Every legislator must vote on the measure, and the people can call him to task for any unworthy action. The result is that when a measure comes up upon which the people have expressed their desires, the legislator has only one course to follow, and that is the way his constituents have instructed him. But in the Presidential form, if the legislators do not desire to vote on a measure they simply refer it to a committee with the understanding that that committee will never report on it. Look at the case of popular election of Senators in the United States. Seven times has that been introduced into the Senate and never had there been a direct vote upon it until just a few weeks ago, and even then it was thrown out on a technicality and not on the real issue. Take, for instance, the tariff act of 1909 in the United States. Who was responsible for the woollens schedule? It was left intact from an act of forty years ago. Perhaps some committee is responsible, but no one knows whom. Compare that state of affairs with the contemporaneous one in England. Who was responsible for the budget? The answer is easy. The ministry; and the individual responsible was the minister of finance.

The Parliamentary form of government is responsive to the deliberate and not to the transitory will of the people. Elections in that form of government are held on large issues. Sound judgment and not sentiment is the basis for decision. The issue rather than the man is considered. The people vote on the principle; the character of the individual who carries it out is immaterial. It is a government of principles and not of men. But in the Presidential form the people choose a man for a certain term of years; then they are compelled to abide by his principles during that term whether they are in harmony with them or not. In other words, they elect a man and then fit their principles to him, while in the Parliamentary form they elect the principles and then fit the man to them, and if the man is unsatisfactory they do not sacrifice their principles for a certain stated period, but they replace the man by one more in harmony with their views.

Now, if the people know these basic principles upon which their deliberate will is founded (and they must since they live in a democratic nation), then it will not take them a period of years of stagnation and deadlock to form an opinion. While the question is fresh it is clearly brought before them. Both sides are thoroughly presented, and the people can decide coldly and finally because there are no personalities connected with it. They can decide a pure question of principle without the creation of sentiment. It is when the personal element appears that sentiment enters in, when the man stands for re-election on his personal patriotism, his past con-

duct and the like, just the situation that you find in the Presidential system.

Matters that come up suddenly and demand immediate action without deliberation are only transitory matters. They appear in both forms of government and are dealt with similarly. In neither case does the government hang in the balance on such issues. The executive and the legislature never quarrel over the salary of an official or the establishment of a postoffice unless they are looking for something to quarrel over. Nor would a ministry resign on such an issue unless they were looking for a chance to resign. And right here is a notable instance of the responsiveness of the Parliamentary form in the case of Lord Rosebury, of England. His ministry found themselves out of harmony with the legislature and the people; yet they had been elected on a progressive policy, and the legislature would not vote them down on any governmental issue. Consequently, they raised the salary of one official with the express purpose of getting a chance to resign.

Issues that are trivial, that are not of national import, never get into an election. These elections, you will note, occur only in times of political crises, at times when, under the Presidential form, there would be a deadlock in the government. Insignificant issues could not cause such a crisis in either form of government. The issue must be large enough to command the attention of the whole country or the ministry would not risk its official life upon it. Neither the executive nor the legislature are particularly desirous of these extra elec-

tions for, as I have said, each runs an equal chance of losing office. Consequently, each body will mend any difficulties that it is possible for it to mend, and refer to the people only those measures that it is necessary to refer. But the point is, that under the Parliamentary form, when such a condition arises, the issue is referred to the people, while under the Presidential form, the government goes into a period of deadlock until the next regular election.

The argument has been used that a Parliamentary government, being controlled by one body, is too fickle and changeable for a modern nation. True, Parliamentary government is guided by one body, and that makes for efficiency. Yet that body has its balances of power which, if upset, will turn the government directly into the hands of the people. The weaker second chamber of the legislature can, by its suspensory check, force due deliberation upon any measure, and block legislation until public opinion has formed. The minority party holds a very formidable balance against the majority party, compelling deliberation and conservatism on all measures. Then, finally, there is the balance between the legislature and the ministry, each being to some extent dependent upon the other for its tenure in office, a condition compelling both bodies to act with moderation. Thus, by these balances hasty and inadvisable action is checked, and yet the dangers of the Presidential system of checks is avoided. Thus, you see there is an elaborate system of balances in the Parliamentary form which, when called into definite use, refer the issue di-

rectly to the people instead of permitting its stagnation for a period of years.

Therefore, since in the Parliamentary form of government the term of office of the representatives of the people is not fixed, making these representatives adhere more closely to the desires of the people; since responsibility for all governmental action is fixed, causing care and conservatism in all matters; since transitory issues cannot affect the will of the people; and since the system of balances of power prevent periods of disharmony in the government; the Parliamentary form is more responsive to the popular will than the Presidential form where everything must be run by an alarm clock, where real issues never get definitely before the people, and where the use of any check results not in readjustment, but in stagnation and deadlock.

THIRD AFFIRMATIVE, JAMES H. LEWIS, MORNINGSIDE

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The affirmative tonight have laid down three fundamental needs of the government of a progressive and democratic nation; namely, *stability*, *responsiveness* to the will of the people, and *efficiency*. The previous speakers for the affirmative have shown you that stability of government, combined with responsiveness to the will of the people, is better secured under the Parliamentary form of government than under the Presidential. It devolves upon the present speaker to prove our third main contention—the Parliamentary form of government is more efficient than the Presidential.

The distinction between these two forms, as you know, lies in the separation of powers as contrasted with the concentration of power. Under the Presidential form of government the executive and the legislature must be independent of each other. This is a preventive doctrine rather than an achieving one. We believe an efficient government to be one which has the strength to accomplish rather than mere power to prevent.

Mr. A. Lawrence Lowell says: "The division of the executive and legislative departments weakens both halves." Under the Presidential form of government there is a diffusion of action. In the first place the executive is weakened by such a condition. The heads of the departments are chosen, not for any ability which they may have shown, but for their political pull. The executive is surrounded with leaders of his own party in order that he may win out at the next election and remain in the good graces of his party. No ability need be shown.

On the other hand, under the Parliamentary form, the members of the executive must be chosen for their ability. They are men chosen from the legislature, in which assembly they have proved their worth. They are men who have fitted themselves for such positions by a long period of activity, for unless a man has measured up to the requirements of the office he will not be chosen. Thus, we see that the heads of the departments must be men who have practically chosen themselves by their efficiency rather than men selected because of political pull. What higher incentive can be given to a clean

young man going into politics than the realization that he does not have to be dragged into the mire of political corruption in order to gain position?—that it is the man who has proved himself worthy of the honor who is chosen? Men of such character at the heads of the administrative departments cannot help but strengthen the organization of government.

Again, the legislature is weakened by such a separation because the laws are not made with enough regard to the administrative departments. Take, for instance, the condition of affairs in the United States at the present time. The executive and the legislature belong to opposite political parties with opposite platforms. The executive wishes to carry out his platform, and the legislature a platform of its own. Each department of government jealously watches the other in order that the opposite party will not gain an advantage for the coming election. The executive will, therefore, veto all bills which might gain votes for the party of the legislature, and the legislature will refuse to consider any measures which might strengthen the party of the executive. All of these measures may be for the best interests of the people, but the jealousy which springs up between the separate departments makes party politics stand in the way of efficient government and democratic and progressive legislation.

The opposite of such a condition is true under the Parliamentary form. The executive and the legislature act together, putting through the best legislation, and work continually for the interests of the people. It is

this unity of departments which makes for strong organization and efficient government. A nation can never progress without unity of action. A body can best act when all parts are in tune. It is this unity which is sought under the Presidential form of government in the requirement of the sanction of the two departments for the passage of a law. This unity and resultant efficiency is sought by both forms of government, and the difference lies in the manner in which they attempt to obtain it. Under the Presidential form the departments are separate, and are asked to keep within their own sphere, and yet are expected to combine in action. The impossibility of such a condition is obvious.

The Parliamentary form further makes for strong organization in that the executive rules for the people rather than for party. Under the Presidential form the executive realizes that his term of office is fixed, and that he can do as he pleases, following the dictates of his party leaders, until his term has expired. On the other hand, under the Parliamentary form the tenure of the executive and the maintenance of his party in the majority depends altogether upon the satisfaction which he gives the people. Honorable Judges, there is only one way under the Presidential form by which the people can rid themselves of a worthless and a party-bound executive, and that is by the Recall. It is this measure which is sweeping over the United States, dominating the cities and states and creeping into our Federal Government, and it is this measure which is the prime feature of Parliamentary government. In the adoption of

the Recall to the city and state officials, the people are acknowledging in fixed terms the weakness of the basis of Presidential government, and acknowledging the value of the whole system of Parliamentary government. The fact that the executive and the legislature are mutually dependent for their term of office, the fact that the people are sovereign as they are under the Parliamentary form, and the fact that there is a fusion of departments in order to produce strength and ability in administrative action—all of these facts are made possible by that chief essential—the Recall. Ladies and gentlemen, when you acknowledge the worth of the Recall in producing safe, sane and efficient government, you acknowledge the superiority of the Parliamentary form over the Presidential. One form permits weakness, corruption and inefficiency. The other, strength to accomplish as well as to prevent, clean and active political administration and legislation and, therefore, efficiency.

The Parliamentary form of government is more efficient, in the second place, because there is harmony of action. Under a separation of powers there becomes inevitable a conflict between the departments. The executive is checked over against the legislature and *vice versa*. In our consideration of the departments of government what should be our attitude? Should we wonder how much evil they can do or how much good they can accomplish? In considering between these two forms of government it is for us to choose one of these alternatives. If we choose the first, we should check

each department to the greatest possible extent in order that whatever evil is done shall be done with the greatest difficulty. But if we choose the latter, then we should give the departments the greatest chance to achieve for good. Of course, we must place the proper restrictions over these departments in order that there will be no domination in any of them, but since the executive and the legislature, united, work more effectually for the welfare of the people, we contend that such a policy is better.

But the negative claim that the harmony of departments makes for hasty legislation. Honorable Judges, my colleague has pointed out that bills which are seriously objected to are delayed, and in regard to other bills I should like to ask what is the use of delay over a bill when that bill is generally acknowledged to be a good thing? And, further, which is better, definite legislation, harmony of departments and progression in the affairs of government, or no legislation, conflict between departments and the disruption of the governmental machinery? The Parliamentary form of government is designed to accomplish those ends which a progressive and democratic nation should seek after. The Presidential form is essentially designed to prevent any department from encroaching upon another. It is a preventative government, and besides containing those balances which characterize the Parliamentary form, the Presidential system contains checks which make impossible effective legislation and administration, which we of

the affirmative maintain to be necessary in such a nation as we are discussing.

The affirmative tonight have proved that without regard to the name of any nation in which either of these two forms exists, the Parliamentary form is superior to the Presidential:

First, because the Parliamentary form of government is stable. We have pointed out that the government under the Parliamentary form does not change as often as under the Presidential. Such a condition is made possible by the fact that the government is in the hands of the people, and when the people desire a change they merely change the administration of that government and thereby gain their ends. On the other hand, we have shown you that the Presidential form of government, in its very continuity of terms of office, makes a governmental upheaval necessary for the people to carry out their desires over the heads of the administration. We have shown you that such revolutions were a common occurrence during the time the Presidential form of government was in practice in Italy and France, and that they have not taken place since the adoption of the Parliamentary form.

Secondly, the Parliamentary form of government is more responsive to the will of the people than is the Presidential. This feature is absolutely essential in a democratic nation. Also, the Parliamentary form is responsible to the deliberate rather than to the transitory will of the people; and, thirdly, the Parliamentary form is more efficient than the Presidential. Defining efficiency

as the strength to accomplish rather than mere power to prevent, we believe that a system of checks which produces stagnation makes for a weak and inefficient organization, while the Parliamentary system contains balances which protect the people from any tyranny of departments and still gives that harmony of departments which makes for strong organization, gives definite legislation, and, therefore, efficient government.

The affirmative have also pointed out what constitutes a progressive and democratic nation. We have classified the needs of such a nation as given by Wilson, Burgess, Lowell, and other political scientists under the three heads: stability of government, responsiveness of government to the will of the people; and, thirdly, efficiency of government. In the discussion of these needs no authority places one superior to another. No need can be subverted for the interest of another.

Under the statement of the question we do not have to adapt either form of government to any existing or non-existing nation. We can only apply the forms of government which are being debated here to such a nation as is defined. We have taken our illustrations of Parliamentary government from the practical working of the system, and have shown that without prejudice on either side, without regard to any country in which either of these two forms exists, the Parliamentary form of government does adapt itself more readily to meet the needs of a progressive and democratic nation than does the Presidential form.

FIRST AFFIRMATIVE REBUTTAL, H. H. HUDSON. MORNING-SIDE.

Mr. Chairman, Honorable Judges: The negative to-night have argued that the Parliamentary form of government lacks stability because it is upset at each election; that the government is in constant danger of being overthrown. But *what* is overthrown? The government? No. The administration, the officers who for the time being have charge of the government. And here is the fallacy of the gentleman's argument. He has absolutely failed to make any distinction whatever between government and administration. I need not appeal to your sound judgment when I say that government and administration are two separate and distinct terms, and they must not and cannot be used interchangeably as the negative have used them tonight. They have repeatedly made the assertion that under the Parliamentary system the government changes each time a party goes out of power. But, Honorable Judges, that is not a change of government; it is simply a change of administration, and the great machinery of government, the permanent organization, continues unchanged as before. No one argues that our government is changed when the Republicans succeed the Democrats to the offices of administration, or *vice versa*. And it is the same under the Parliamentary form, that no matter how often the administration may change the government goes on as before.

They tell us that universal suffrage, being a desirable

thing in a democracy, is better secured under the Presidential form than under the Parliamentary. But I should like to ask them how? The fundamental distinction between the two forms lies in the relation of the executive to the legislature. The suffrage can be the same in either form. Suffrage is a relative term and all political scientists agree that it may vary to a great degree. In no form of democratic government is the suffrage fixed. We could have woman suffrage, or raise or lower the age limit in any country having a democratic government, and still we would not be altering the form of government.

The assertion was made that under the Parliamentary form the minority party was not represented. The affirmative maintain that this is not true. The minority party have the great opportunity of questioning and criticizing the majority party during sessions of the legislature. They have a proportional chance of controlling the government in the legislature, and what more is granted to any minority in any form of government? If they were given power in the administration of government, then the majority party could not be held responsible to the people for undesirable legislation. What better situation do we find them in under the Presidential system? They are given representation, but of what kind? We find them placed on some subordinate committee and there their vote is smothered by the majority vote. What then becomes of their representation?

The first speaker for the negative stated that the Parliamentary form of government was not adapted to all

countries because all nations do not have traditions and customs, and these are essential prerequisites to the success of Parliamentary government. But I should like to ask them what they would say of Canada, where the Parliamentary form was adopted when the country was new, and where, therefore, there were no national customs and traditions.

He also made the statement that under a Parliamentary form of government two strong political parties are an essential; that unless there are two such parties, Parliamentary government can not exist. But what about England and Canada, where a number of parties have existed for years? The conditions where two strong parties exist is the ideal form of party politics. In any form of democratic government, that would be an ideal situation. But such a condition does not exist in any modern country, and the very fact that Parliamentary government prevails where there are more than two parties, proves the fact that the two-party feature is not essential to either form. Again, the mere fact that political factions exist under a Parliamentary government is not a fault of that form of government, but rather it is the result of political conditions in the country.

SECOND AFFIRMATIVE/REBUTTAL, NOEL HACKETT, MORNING-
INGSIDE.

In opening, I would like to ask the gentlemen of the negative whether they would rather have us draw our illustrations from actual facts or from our imaginations.

The opposition made the statement that universal suf-

frage was absolutely essential to a democratic government. Then they went on at some length to show that the Presidential form of government did not give universal suffrage. Therefore, according to their own argument, a Presidential government cannot exist in a democratic nation.

We are not discussing the benefits of universal suffrage, either pro or con. My opponents would give the ballot to every man, woman and child whether capable or not.

Does the fundamental distinction, pointed out by my colleague and accepted by the opposition, say anything about suffrage? No! It may be limited to the same extent in either form. As proof of my contention I need only to cite England, Canada or Australia. None of these have universal suffrage, yet all are democratic, parliamentary governments.

The negative have spent much time showing you that Parliamentary government is an unlimited government. We admit the point. Parliamentary government is an unlimited government absolutely in the control of the people. A more *ideal* form of government could not be imagined.

The negative have argued that there are no checks and balances in the Parliamentary form of government. We do not want any checks that simply throw the government up against a stone wall and prevent action of any kind for a period of years. We argue for *balances* of power that compel the proper action at all times or else compel readjustment, and I pointed out in my main

speech that there are sufficient balances in the Parliamentary form to insure good government. The balances are, namely, between the legislature and executive; between the two houses of the legislature and between the majority and minority party within the legislature.

The opposition argue that there can be no continuity of policy in the Parliamentary form of government.

Honorable Judges, I pointed out very clearly in my main speech that the policies of a nation were not the policies of one man or of a legislature, but are the desires of the people. Therefore, to have real continuity of policy, the government must be kept constantly in harmony with the people—the very bulwark of Parliamentary government. Harmony between government and people is a thing decidedly lacking in Presidential government.

The negative have also made the contention that Parliamentary government is too responsive to the will of the people, yet I pointed out that Parliamentary government did not respond to the whims or transitory wishes of the people. Then, if it responds only to the deliberate will of the people, it cannot be too responsive. The more responsive it is, the more progressive it will be and the more truly democratic it will be.

The negative have argued for a separation of powers and a co-ordination of departments. Such a condition of affairs is absolutely impossible. It is the duty of the executive to execute the laws passed by the legislature. Then, if he has no control over the legislature, he is made their slave.

Where is your co-ordination and inter-dependence of the two departments? Separation of powers must be sacrificed to a certain extent in the interest of co-ordination, a condition found in Parliamentary government but contrary to the very basis of Presidential government.

Our friends of the opposition have said that two great parties are absolutely essential to the life of Parliamentary government. To prove the fallacy of such a statement, I need only to cite you the fact that Parliamentary government operates *successfully* in several modern nations, and in no modern nation are there two great parties and only two. Of course, only two parties is the ideal condition of party politics in any government, but such a condition is essential to none.

They have spent much time decrying factional legislation; yet this defect is found in all party government. It is a fault not of the form of government, but of the condition of party politics, and therefore cannot be laid at the door of Parliamentary government.

One of the speakers for the negative spent most of his time extolling the fact that Presidential government proceeds by compromise. Yet, gentlemen, what is compromise? It is a sacrifice of principle for the sake of policy. Such action is undesirable in anything, and is unnecessary in a government where that government is in the hands of the people. If the people control the government they can adopt their own principles. They have no one to compromise with. This is the situation found in Parliamentary government.

The negative have condemned Parliamentary government on the ground that power gravitates to one house. Yet the executive or the other house can compel the dissolution of that supposedly all-powerful branch. That very nominal gravitation of power only tends to equalize the power of the two houses and increases the power of the people in control of both, making a more efficient and well balanced government.

The negative have attempted to throw out a portion of our argument on the ground that the *form* of government did not have anything to do with its responsiveness. Honorable Judges, the responsiveness of the Parliamentary form of government lies in the relation of the executive to the legislature. It lies in the fact that the people can check up one department of government against another. What good would the recall or a special election be if the people did not know whom to recall? The responsiveness of Parliamentary government is the result of the form of government and of its methods of action. The unresponsiveness of Presidential government is due to its form.

Our opponents have told you of the evils of democracy; that it is not a fit government for a modern nation. We are not debating that point. The question says "adapted to the needs of a *democratic* and *progressive* nation." Therefore we must accept democracy whether good, bad, or indifferent.

We must consider that form of government that will supply the nearest ideal form of democracy possible in a modern nation, and we of the affirmative maintain

that that government is to be found in the Parliamentary form.

THIRD AFFIRMATIVE REBUTTAL, JAMES H. LEWIS,
MORNINGSIDE.

The affirmative tonight, following the classification of Wilson, Burgess, Lowell and other leading political scientists, have taken the governmental needs of a progressive and democratic nation to be three: stability, responsiveness to the will of the people, and efficiency. In this debate, therefore, all of these three fundamentals should receive equal consideration, but the negative have spent their entire time upon the details of the stability of the Presidential form of government, and have absolutely ignored these other two needs which are just as essential under the definition of the question.

The speaker who has just left the floor has admitted that the Parliamentary form of government is stable. The negative have utterly confused the terms *administration* and *government*. When we refer to a stable government, we do not necessarily mean a stable administration. The administration is the group of persons who have control for the time being of the government. The government is the machinery by which the business of the nation is carried on. Because a nation can undergo a change of administration without disruption, and because there has never been a revolution in any country under the Parliamentary form of government, I submit that the *government* under the Parliamentary form is stable.

We have proved that the Parliamentary system is more responsive to the will of the people than the Presidential form. The negative have left this point absolutely untouched, thereby conceding that the Parliamentary form is better adapted to a democratic nation. We maintain that responsiveness to the popular will, as secured under the Parliamentary form by the people being the final arbiters, makes better for a democratic nation than a government which gives the people control only at set times, and then control over the man and not the issue.

And thirdly, we have proved that the Parliamentary form is more efficient than the Presidential. An efficient government must be a government which achieves rather than one which merely prevents, and we maintain that a strong organization which can pass a bill at the time when that bill is most needed, and not wait for a two, four or six year change of parties in a department of government, makes for an efficient government. The separation of departments weakens the government, and of such a government, James Bryce, whom the negative have quoted continually tonight, says, "The executive and the legislature are divided so completely as to make each not only independent but weak in its own proper sphere." And, in speaking of the inability of the administrators to frame bills for the bettering of their departments, he says, "The members of the legislature in considering administrative measures must be architects without science, critics without experience, censors without responsibility." In speaking of any government we can well say: united we progress—divided we retrogress.

The affirmative maintain that a strong organization, harmony of departments, and definite legislation, makes for efficiency. And thus have we established our three main contentions; namely, that the Parliamentary form of government is perfectly stable; that it is more responsive to the will of the people and more efficient than the Presidential form. The negative have failed to assail our contention that a strong organization makes for an efficient government, thereby admitting that the Parliamentary form of government, because of its efficiency, is better adapted to a progressive nation. They have failed to show how the Presidential form of government is responsive to the will of the people, thereby granting that the Parliamentary form is better adapted to a democratic nation, and, having ignored these two basic points, they have spent their entire time in discussing the extreme stability of the Presidential form of government and its attendant details, while we have admitted the worth of a certain degree of stability and have shown you that in the extreme form of stability the will of the people is crushed, legislation is checked and blocked at needed times, and that efficiency in governmental action is absolutely impossible. The negative have failed to shake the stability of the Parliamentary form of government, they have entirely overlooked two of the great fundamental needs of a government, and in doing this they are disregarding the threefold classification of the greatest political thinkers of this and former centuries and also omitting from consideration tonight the words in the question, *progressive* and *democratic*.

FIRST NEGATIVE, CHAS. F. CUSHMAN, MORNINGSIDE.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The question for debate this evening is, "Resolved that the Parliamentary Form of Government is better adapted to the needs of a Progressive and Democratic Nation than the Presidential Form." We interpret the phrase, *a progressive and democratic nation*, to mean, in a broad sense, any nation which is making considerable progress along economic and political lines, and in which the people play a large part in the government. We conclude that the question in stating *a progressive and democratic nation*, means no nation in particular, but any nation, or all nations, existent or non-existent, to which the adjectives *progressive* and *democratic* would apply.

The question involves, primarily, a comparison of two forms of government, the Parliamentary and the Presidential. A clear understanding of these forms is therefore essential before discussing their respective merits.

"A Parliamentary form of government," as defined by Dr. Burgess, "Is that form in which the legislature has complete control of the administration of law. It obtains this control by originating the tenure of the executive and terminating it at pleasure, so that under this form no executive policy can be successfully carried out unless it receives the approval of the legislature." The Presidential form, on the other hand, Burgess defines as "That form in which the executive is independent of the legislature, both in tenure and prerogative," so that under this form the legislature cannot appoint,

cannot remove, and hence cannot control the executive. Lowell makes the same distinction when he says, "The essential characteristic of a Parliamentary government consists in the fact that the cabinet can only remain in office so long as it receives the support of the legislature. Bagehot and Wilson make the same distinction."

Thus we see that the essential difference between the two governments lies in the relation of the executive to the legislature. In the Parliamentary form they are united, while in the Presidential form they are separated. It is upon this fundamental distinction, then, that all arguments in favor of either must rest. Special arrangements peculiar to each country, such as the length of the term of the United States Senator, the privilege of framing bills held by the English cabinet members, the composition of the executive of seven members in Switzerland, are points which have no bearing on the fundamental principles of the two governments, and hence are outside of this debate.

But our question uses the phrase, *better adapted to the needs of a progressive and democratic nation*. What are the real needs of such a nation? What qualities and qualifications should a government possess in order to be best suited to a nation of this kind? Should a government for a progressive and democratic nation be vacillating and easy of change, or strong and stable? Should it be able to carry out the work of its three departments, executive, legislative, and judicial in a calm, deliberative way, or should it be organized to rush business through by removing all governmental balance?

Should a nation in which the people rule have a government which enables their calm judgment to prevail, or one in which every breeze of popular disfavor disturbs the government, and the impulsive will of the people crystalizes into law? "The important thing in democratic government," says Blackstone, the greatest authority upon law of modern times, "Is not to be able to turn out laws with the least friction, but to have such a balance of powers as to protect the people against despotism on the one hand, and anarchy on the other." What, then, are the real needs of a progressive and democratic nation? According to such authorities as Burgess, Lowell, Wilson and Cushing, the essential qualities or needs of a democratic nation are mainly three: stability, efficiency and democracy. First, a government should be stable. It should be safe and strong, guarding the liberties of the people against the storms of popular passion and prejudice. Second, it should be efficient. It should carry on the work of the government with wisdom and energy. Third, it should be democratic, and not despotic. It should be responsive to the deliberative will of the people.

It therefore devolves upon our opponents in shouldering the burden of proof of this proposition, to prove that the Parliamentary form of government, because it makes the executive dependent on the legislature, is better adapted to these needs; that because of this union of departments it is more stable, more efficient, and more democratic than the Presidential form.

We shall prove, on the other hand, that the Parlia-

mentary form of government is not better adapted to these needs. We shall accept the fundamental basis, and shall prove that because the Parliamentary form makes the executive dependent on the legislature, that it is less stable than the Presidential form, that it is less efficient, and that it is less democratic.

It shall be my purpose to establish our first main contention: namely, that the Parliamentary form is less stable than the Presidential form. It is less stable, in the first place, Honorable Judges, because the government is in constant danger of being overthrown. The executive department, composed in England of about forty members, with their assistants, appointees and committees, making up the complex administrative system called the government, are all jointly responsible for each and every measure proposed by any one of their number, and if at any time one of these measures is defeated this whole complicated, delicately contrived mass of political machinery is turned out of office, and a new set of ministers, new assistants, new committees and appointees with an entire new policy is installed. Or the ministry may prefer to dissolve the lower house of the legislature and appeal to the country; but here the results are still more disastrous. And at the conclusion of an election, involving an immense expenditure of money and time, after the excitement of the electorate, after the paralysis of business and the stopping of the wheels of government, after all this, the ministry may yet be overturned by the new house. And, if the main issue has been clouded by the introduction of other issues, as

in the recent election in England, so that a clear decision of the people on the point at stake has not been reached, a new election will have to be held. A Parliamentary government is always in danger of such a great political upheaval. No one can tell whether a ministry will last a week, a month, a year, or will be turned out of office tomorrow. It all depends on the caprice of the lower house of the legislature and the adroitness of the ministers. Professor Delavey says, "A ministry is never sure of its majority. Today it receives a vote of confidence comprising two-thirds of the voters; a few days later it fails on account of some incident of insignificant importance." And keep in mind, gentlemen, that it is not in great matters of policy that ministries fall, as when a change of party domination occurs in the United States. A defeat often occurs on small and trivial matters with which perhaps but one of the cabinet is concerned. This has been illustrated in England time and again, notably when the great Roseberry cabinet fell on a vote to reduce the salary of the secretary of war.

This is the condition, Honorable Judges, where two and only two political parties are present, a condition which the Parliamentary government presupposes in principle for its successful working. But when a third party, and a fourth are present, the instability and peril of the government is doubled and tripled. The third party gains the balance of power, and by giving support to first one and then to another of the larger parties according to which offers the largest prize for its support, the administration falls into hopeless confusion.

All authorities upon Parliamentary government declare that for its successful working there must be two and only two great parties. But, Honorable Judges, there is not a government in the world today with but two great parties. Even in England herself, the boasted birthplace of this form of government, the Irish Nationalists and the Labor Party have assumed such proportions as to be able to swing the balance of power whenever they choose.

James Bryce, British ambassador to the United States, says, "The drawback to this system of exquisite equipoise is the liability of the system to be frequently disturbed, each disturbance involving either a change of governments, with immense temporary inconvenience to the departments, or a general election, with an immense expenditure of money and trouble in the country."

The Parliamentary form of government must be unstable. If a ministry could not be easily and optionally overturned, parliament could not control it, and this control of the executive by the legislature is the distinguishing feature of Parliamentary government. Thus, instability is an inherent and necessary part of Parliamentary government. Without this feature it could not exist.

Turning now to the Presidential form, it is only necessary to call your attention to the working of our own government in order to prove its great superiority in this respect. It is not in constant danger of being overthrown. The very essence of Presidential government lies in the fact that its executive and legislative depart-

ments are separate, and that its executive and legislative officers are elected for stated periods, removable only by impeachment, that neither are responsible to the other, that the executive is not dependent on the favor of the legislature for its continued existence. Just as instability is the chief characteristic of Parliamentary government, so stability and safety are the principal qualities of Presidential government. Thus have I shown that Parliamentary government is in constant danger of being overthrown; and this is my first reason for contending that that government is less stable than the Presidential form.

Parliamentary government is less stable than the Presidential form of government, secondly, because it has no checks and balances. The theory of Parliamentary government is opposed to the idea of checks of any kind. Under this system all the powers of government are concentrated in the lower house of the legislature. The object of this arrangement is declared to be the giving of an absolutely free rein to the majority, not only in legislation, but in executive matters as well. Hence, any check upon this body is not tolerated. It must be supreme and unchecked, or their whole theory of responsible government fails. But our opponents claim that there are enough checks and balances to insure a safe government. Let us see where they are. The executive can be no check upon the legislature, because it is a committee of that body, and dependent upon its support for existence. The judiciary can be no check, for it is appointed by this executive committee, which in

turn is responsible to the legislature. But, our opponents say, at least the upper house of the legislature checks hasty and dangerous legislation. Honorable Judges, the upper house in a Parliamentary form of government is not a coördinate body, as is our Senate, but a mere assenting organization with no power to reject the measures favored by the other house. Professor Low, of Oxford University, says, "The checks and balances of which we hear so much from writers on Parliamentary governments, are for the most part no longer operative." Lord Salisbury, former prime minister of Great Britain, said, "If the system of checks and balances is to save a country from the excesses of democratic violence, the House of Lords fulfills its purpose very imperfectly." I charge that the Parliamentary system is unsteady, unstable and unsafe, because it has no checks and balances. I indict this government because there are no restrictions placed upon the government by which the rights and liberties of the people may be protected. It is an unlimited government in its very essence, and as Madison said over one hundred years ago, "An unlimited government is the very definition of tyranny." If the object of government is to give rapid and unlimited effect to the opinions of the majority, no better system has ever been devised. But if the object of government is to protect the individual, and to resist the subversion of the rights of the people, the Parliamentary system is unsupportable.

Looking now to the Presidential form, we find a very favorable contrast. Here, real checks and balances are

possible. A coördinated legislature of two houses of equal power absolutely precludes the possibility of hasty and impassioned legislation. Separation and equality of the three departments of government, which is the fundamental principle of this form of government, guards the rights and liberties of the people. Each department jealously defends its own sphere against encroachment of the other two. Under this form the executive checks the legislature and the judiciary, the legislature checks the judiciary and executive, and the judiciary checks the executive and the legislature. Thus the powers of government are balanced. Supreme authority rests in no one of the departments, but in all separately. The results of such a judicious equilibrium of authority is that legislation is conservative and well considered, administrative acts are wise and efficient, and the judgments of the courts are uncorrupted and just.

Thus have I shown, Honorable Judges, that the Parliamentary system is less adapted to the first need of a democratic and progressive nation, namely, stability, than the Presidential form. I have based my contention that the Parliamentary government is less stable on the fundamental difference between the two governments, the relation between the executive and the legislature. I have proved that because the executive is dependent on the legislature in the Parliamentary system, that system is less stable than the Presidential form. I have proved this for two main reasons: first, because the administration is in constant danger of being overthrown, and, second, because it has no checks and balances.

SECOND NEGATIVE, GEORGE EARNEST WICKENS, MORNING-SIDE.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleague has shown that the governmental needs of a progressive and democratic nation are three; stability, efficiency and democracy. He has proved that Parliamentary government is less adaptable than the Presidential form to the first of these needs, *stability*. It shall be the purpose of the present speaker to prove that Parliamentary government is less adaptable to the second of these needs, namely *efficiency*.

That form of government is most efficient which best accomplishes the object for which it exists. In such an efficient government the executive will administer the laws with intelligence, uniformity of policy, and undivided energy; the legislature will make laws with deliberation and caution, expressing the will of the majority rather than the demands of a faction; while the judiciary will be free from political influence, uncorrupted and just. My colleague has shown that the essential points of difference between these two forms of government lies in the fact that in the Parliamentary form the executive is dependent upon the legislature, while in the Presidential form the executive is independent of the legislature. He has proved that because of this fundamental distinction the Parliamentary form is less stable than the Presidential. The present speaker will prove that because of the same fundamental difference the Parliamentary form is less efficient.

Since the efficiency of any government depends upon the efficiency of its three departments, executive, legislative and judicial, I shall prove the Parliamentary form less efficient by showing you that each of these three departments is less efficient.

In the Parliamentary system the executive department lacks efficiency, in the first place, because the cabinet members are inferior in character.

This results from the fact that the executive heads are chosen not for their ability to ably perform the work of administration in their respective departments, but because of their political pull with the majority party in the legislature. The cabinet is a group of political leaders, not a body of persons trained to administration. That poor administrators will be chosen by this method is inevitable, for the legislature can make no one a minister who does not chance to be one of its own number. In other words, the people elect representatives for their legislative ability, and then the legislature elects the cabinet members from its own number to positions where administrative ability is needed instead. A country land owner may be made nominal chief and *responsible* director of the fleets of Great Britain; or a hunting country squire may find himself minister of education. Under Presidential government the heads of executive departments are chosen for their peculiar fitness to perform the duties of their respective departments. They are specialists. For instance, the present secretary of the United States treasury, MacVeagh, was at the time of his appointment, head of a large commercial estab-

lishment in Chicago, and the successful director of extensive manufacturing and banking enterprises. Thus it is self evident that the heads of executive departments of Parliamentary governments cannot be otherwise than inferior to those in Presidential governments.

Again, in Parliamentary governments the executive lacks efficiency because the *tenure of office is uncertain*.

The ministers are very much in the position of a man whom the doctors had declared might pass away any minute from heart failure. He was dissuaded from doing anything, on the one hand, because he probably would not be able to finish what he started; and because, on the other hand, the activity itself might end his life. The ministry loses incentive for determined action because the chances are it will be removed before it completes what it starts to do, and also because if it does do anything, parliament may disapprove of its acts and turn it out of office for that reason. Plans of reform and far-reaching legislation need long periods for their execution, but such plans cannot be carried out properly if they pass every year or two into new hands. If there is no permanence in the executive there can be no sequence in its acts. Therefore, in order to enable it to do its work with any heart or hope or zeal it must be delivered for a fixed period from all anxiety about its existence, and from the necessity of fighting for its life every night in the legislature. Thus we see how in Parliamentary governments the uncertain tenure of the executive heads makes for inefficiency.

Further, in Parliamentary governments the executive

lacks efficiency because the ministers cannot give undivided attention to their departments.

It is a most striking weakness in Parliamentary governments that the heads of executive departments are required to leave their administrative duties and appear in the legislature to direct the work of making laws. Administration occupies one field of action, legislation another, so that if a minister is to do full justice to his executive duties, he will have no time to carry on legislative duties as well. No man can possibly direct the work of a great department and at the same time spend his days and nights framing bills and debating them through the legislature. Undivided energy and attention make for efficiency; but the "Jack-of-all-trades" is master of none. Thus does the divided attention of Parliamentary ministers make for executive inefficiency.

I contend, in the second place, that Parliamentary government is less efficient than the Presidential form because the legislature is less efficient; first, because it produces hasty legislation.

As my colleague has shown you, there are in this form of government no equal and coördinate houses to compel thorough consideration in the making of laws. The bills are loaded up and railroaded through the lower house by the party in power. It is partisan legislation from start to finish, and what the leaders of the party desire, the followers vote for, because they must hang together or go out of power. There is indeed a second chamber of the legislature, but as my colleague has shown you, it has no real power. It bears no relation to the Presi-

dential Senate, that powerful corrective of legislation of the house. The executive, being a committee of the legislature, and having framed all the bills, has no interest in compelling deliberation as would the president by means of the veto in the Presidential form. Hence, legislation is rushed through unchecked. The most important bills are railroaded through in astonishingly short time. In England the bill for home rule for Scotland was proposed at 9:30 P. M. by the Palmerston ministry, and was forced to a vote two hours later, at 11:30. The bill had never been debated before in Parliament, and certainly never thought out. Thus, a most fundamental change, one which should have been given the most profound deliberation, the most earnest and enlightening debate, a change which under a Presidential government could only have been made by an amendment to the constitution, was rushed through and enacted into law within the space of two hours. Under the Presidential form such legislation is impossible. The legislative department is checked by coördinate houses, by the executive, and by the courts. Thus does Parliamentary government produce *hasty* and ill-considered legislation.

Again, in Parliamentary government the legislative department lacks efficiency because it cannot give undivided attention to law-making.

✓ I have already shown how under this form of government the executive department is rendered inefficient by the necessity of neglecting its administrative duties in order to direct legislation. For the same reason, the

legislative department suffers. The cabinet, composed of the heads of administrative departments, is the chief committee of the legislature, and must frame and direct all important legislation. Therefore, it happens that to serve one department the other must be neglected; an inefficiency in both departments results.

Further, in Parliamentary governments the legislative department fosters legislation by factions.

The most sanguine advocates of Parliamentary government admit that it depends for its success upon the existence of two and only two parties. Bagehot says of Parliamentary government: "In case of three parties, this species of government is most sure to exhibit its defects." There is, however, no progressive and democratic nation in the world with two and only two parties, and those progressive and democratic nations which have Parliamentary governments are most split up by factions and minor parties; as Italy, Spain, France, and even England herself. Under these conditions legislation ceases to be the work of the majority and becomes the work of factions which happen to control the balance of power. The support of a small faction may be vital to the party in power if it is to maintain its majority in the legislature. When this occurs the ministry is entirely at the mercy of the faction, which can demand and secure almost any radical or class legislation that it desires. Such a legislature, ruled by factions, is impotent and unworthy to be intrusted with the affairs of a people. In this way Parliamentary government fosters legislation by factions.

I contend, in the third place, that Parliamentary government is less efficient than the Presidential form, because the judiciary is less efficient.

The judiciary is, in the last resort, the custodian and protector of the rights of the people. It should in fulfilling this purpose be supreme in its department. It should be able to adjust disputes without fear, favor or responsibility to any power save the people themselves. Is then the judiciary efficient in the Parliamentary form of government, where, of course, there can be no clear separation of the three departments? Does it accomplish the object for which it was created? It does not. Under the Parliamentary system the judiciary is appointed by a ministry which is, in turn, controlled by parliament, and parliament has final power in appointing and removing judges. Lowell says that the highest offices in the judicial department in England are considered political prizes. Take, for instance, the case of the Lord Chancellor, the highest judge in England, who is a member of the cabinet and of parliament. Thus, the judiciary is thrown under the direct control of the political forces of the legislature. In the words of Professor Macy, "It is as if the chief justice of the United States presided over the Senate, and was at the same time a member of the President's cabinet." So we see that the department which makes the laws controls the department which executes the laws, and also controls the appointment of the judges who interpret the laws. Instead of keeping the judiciary as a separate department of government, it,

too, is brought under the political influence and control of the legislature.

Compare this situation with that existing under a Presidential government, the United States for example, where the departments are separate and independent. Here the courts are placed above any power except the will of the people themselves. No control by political power is possible. The judges serve for life, and are removable only by impeachment. They are appointed by one department, the executive, with the consent of another and independent department, the legislature. Thus is precluded any possibility of real or apparent responsibility to any man, party or power. Their responsibility is only to the people whose rights they protect.

To summarize: I have proved that Parliamentary government is less efficient than the Presidential form for three main reasons:

First, because the executive is less efficient, for

The cabinet members are inferior in character,

Their tenure is uncertain, and

They cannot give undivided attention to their departments.

It is less efficient than the Presidential form,

Secondly, because the legislature is less efficient, for

It produces hasty legislation,

Legislators cannot give undivided attention to lawmaking, and

It fosters legislation by factions.

It is less efficient than the Presidential form,
Thirdly, because the judiciary is less efficient, for
It is subjected to political influence and control.

THIRD NEGATIVE, MR. D. PARNELL MAHONEY,
MORNINGSIDE.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My first colleague has shown that the governmental needs of a progressive and democratic nation are three; stability, efficiency and democracy. He has proved that the Parliamentary form of government is less adaptable to the first of these needs, namely, stability. My second colleague has proved that the Parliamentary form of government is less adaptable to the second of these needs, namely, efficiency. It shall be my duty to prove that the Parliamentary form of government is less adaptable to the third of these needs, namely, democracy.

True democracy, Honorable Judges, exists in that nation in which a large part of the people participate in the suffrage, in which the interests of all peoples and all sections of the country are represented, and in which the deliberate and mature will of the people prevails.

The negative have based their argument in this debate thus far upon the fundamental distinction between the two governments; that is, the relation between the executive and legislative departments. I shall continue this argument, and shall prove that because of this fundamental difference the Parliamentary form of government is less truly democratic than the Presidential form.

In the first place, it is less democratic because it is despotic. Under the Parliamentary form the executive and judicial departments are subordinated to the legislature. The majority party forms the ministry, which is the real executive. It also controls the judiciary, and both are responsible to the legislature for their tenure in office, and the support of their policies. This represents a dangerous concentration of power. There are no checks and balances. The legislature is supreme and irresponsible to the other two departments. Concentration! But what are the results? Blackstone says that whenever the powers of making and enforcing laws are united there can be no public liberty, while Thomas Jefferson, in speaking of the Parliamentary government said, "All powers of the government, legislative, executive and judicial result to the legislature, so that a genuine despotism is the outcome."

Now, under the Presidential system, there can be no such tyranny, for the departments are separated. This separation makes for checks against hasty and dangerous legislation, and provides a protection for the fundamental rights of the people that does not exist under the Parliamentary form. Submerge, then, if you will, these departments, and delegate all these powers to the lower house, and you must acknowledge that such powers, concentrated in one body, supreme and irresponsible, are despotic rather than democratic.

In the second place, we contend that the Parliamentary form is less democratic in that it does not represent the minority. Based upon a just principle of the right of the

majority to govern, in practical legislation it has connected itself with a very erroneous idea, depriving the minority of any voice or interest in legislation. Formed from the majority party in the lower house and dependent upon this legislature for the tenure in office, the ministry must cater to the majority party to maintain their tenure in office. Thus, the minority have no representation, for the majority do not approve bills, nor do the minority see the bills until they are framed and ready for action in the House of Commons. The ministry must be organized to rule, and to force that rule upon all sections of the country.

Such a condition does not exist under the Presidential form. For example, in the United States the minority are fairly represented on every committee. There are nine or eleven members on all the greater committees, and the committee of committees shows its impartiality by allowing the minority party to select its own members and fairly apportion them to all the greater standing committees. Thus not only are all the parties represented in the make-up of committees, but all sections of the country. Every measure is carefully considered in committee and usually approved by the whole committee, and in all the details the minority members of committees do nearly as much work, and have nearly as much influence, as the majority members. It is in this way that many defects in bills are cured, and many improvements made that could not be brought about under the Parliamentary system. These, Honorable Judges, are the facts, and I defy the affirmative to dispute them.

With the Presidential form, on one hand, fairly representing the minority, and the Parliamentary, on the other, absolutely excluding and forbidding any minority representation whatsoever, we maintain that the Parliamentary government lacks the very fundamental of democratic government, namely, minority representation.

The Parliamentary form is less democratic than the Presidential form, thirdly, because it represents the impulsive, rather than the deliberate will of the people. The world cannot be governed by the public opinion of any one week or month, particularly when it emanates from the vast bodies which now compose a modern state. The people, although sovereign, are human, and have their gusts of passion and moments of weakness against which they have to guard by imposing upon themselves the necessity for reflection.

The cause of the frequent elections under the Parliamentary system is usually a single issue, one of the moment, and the affirmative have plainly acknowledged that the people, although they favor the general policy of the ministry in power, must, in order to express their mandate on that single issue, contrary to the will of the ministry, throw that ministry out of power and alter the whole policy of the government, as, for example, was the case when the great Roseberry cabinet fell upon a single issue, that of reducing the salary of the secretary of war.

Then, again, this issue, though single to start with, may be clouded by subsidiary issues interjected by politicians to gain votes. As in the recent elections in Eng-

land, the issues of the budget, the educational bill, and the curtailing of the power of the House of Lords were each made predominant in certain sections of the country, with the result that a house was returned upon an issue, the exact scope of which not even that house itself can determine. These are but fair samples of the carrying out of the direct and deliberate will of the people which the affirmative claim is secured under the Parliamentary system.

Now, under the Presidential form, the will of the people is expressed, as becomes the truest ideal of democracy, at stated periods, and on stated policies. There is no clouding of issues, no sudden gusts of passion, no misdirected public opinion, no impulse of demagogic agitation. Many a time in our own country during periods of political excitement and great peril, if the legislature had possessed the power to remove our executive by hostile vote, our government would have been disrupted and the greatest of reforms blocked. There is no better example of this than the administration of Lincoln. Decisions must be, and are in our form of government made in full view of the merits of the case. And the difference of the two forms is noticeable, for the successive ministerial crises under the Parliamentary form threaten its very existence; but under our system, great political conventions, representing millions of people, meet and produce radical platforms, and nobody is apprehensive of revolutions or trouble. The Parliamentary form is so contrived as to respond quickly and surely to external pressure. Touch a button and

you throw out a government; touch another and you modify your constitution. In England the House of Commons is elected all at once, and on some issue of the moment, while under the Presidential form the lower house is elected for one period, the upper house for another, and the executive for another. Thus the accumulative and deliberative will of the people instead of the impulsive will, is expressed. Is it any wonder, then, that Bryce, the great English statesman, in summing up the two systems, says of England's merging of departments, "In this swiftness and effectiveness lies its dangers as well as its merits, for under this system the transitory rather than the deliberative will of the people is more often expressed." Of the American system, he says, "The political changes are with details, and the main lines remain as they are forever, assuring to the people an easy mind, a trust in the future, a present satisfaction, and a future reservoir of strength." Responsiveness lacking? The affirmative have based their debate this evening upon responsiveness. But what is the responsiveness they argue for? It is for a responsiveness which changes the government upon a single issue, that enacts the momentary impulses of the people into law, that furnishes no checks against socialistic and communistic schemes, that puts the influence of the demagog over against the calm judgment of the people, that subjects the country to political upheavals and turmoils involving a congested condition of business and an immense expenditure of money. The Parliamentary form of government holds elections upon an issue, never upon a

general policy. The issue is forced upon them, and if their mandate is to be expressed to the legislature upon this issue, they can favor no general policy, and the issue is settled only to make room for another. The responsiveness is there, but it is not of the right kind; nor is responsiveness characteristic of the Parliamentary form, for a better responsiveness without these evil effects could be secured under the Presidential form by the Initiative and Referendum, making no organic change in the constitution, but accomplishing the desired end. You say, "We could incorporate the Initiative under our system and, with our Referendum, form a working plan." This could not be done without changing the form of government, for the ministry, when it wishes to initiate a new piece of legislation would do so through its constituencies. This would involve no issue between the house and the ministry. The ministry would not be turned out, but would stay on indefinitely. Then where would be the working harmony between the legislature and the executive? Where would be your test applicable to Parliamentary government, which means that the legislature limits and holds the tenure of the executive in its hand.

Now, under the Presidential system the people could reserve to themselves the power to propose laws and amendments to the constitution and to enact and reject the same at the polls independent of the legislature assembly, and also reserve the power to approve or reject at the polls any act of the legislature. For instance, the people are so thoroughly acquainted with the issue on

reciprocity with Canada because of long-drawn-out newspaper discussions, that they could have voted intelligently upon the subject at the last election. If they opposed the measure they could kill it, but would not have to throw out the whole administration, whose general policy they favored, because of this one issue. Now, if the people in England favored the general policy of the ministry, and this same bill became an issue between the ministry and the house, they could not kill this measure without throwing the ministry out of power, showing again the difference between the two systems. Ours is a system of elections at stated times and on general policies, giving the administration a stated period to carry out the deliberative will of the people, as stated on a definite platform. The Parliamentary system has its election an issue of the moment, clouded, perhaps, for political purposes, setting forth no general policy, and settling one issue, only to make room for more issues, more turmoil and excitement.

FIRST NEGATIVE REBUTTAL, CHAS. F. CUSHMAN,
MORNINGSIDE.

Mr. Chairman, Honorable Judges: My opponents have based their argument this evening on a threefold division of the needs of a nation applied to a government,—simplicity, efficiency and responsiveness. But, Judges, in this division they have ignored the most fundamental essential of a popular government, namely, stability. They have not proved that their government is more stable than the Presidential form; they have simply

pointed out its simplicity, and this quality we have again and again showed you this evening to be one of its greatest evils. It is simple, true, but its simplicity lies in the fact that all its departments are united, resulting in not only instability, but also in inefficiency of its departments, and in the taking of the reins of government out of the people's hands and placing them in the hands of a house of despots. Honorable Judges, they have based one third of their debate upon a quality of a government which is not an essential of a good popular government, accorded so by no authorities on political science, and at the same time they have ignored the most fundamental and essential qualification of a popular government, stability. That simplicity is not an essential, nor even at times a desirable quality, can be plainly shown by calling your attention to the fact that the very acme of simplicity in governments is reached in an absolute monarchy.

On the contrary, we have shown you that the Presidential government is stable, its officers are elected at stated periods, and are not in constant danger of being removed, the administrative and legislative departments are separated, each checking the other, so that no encroachment, of one power over the other is possible. Unless the affirmative can, during the remainder of this debate, show that the Parliamentary government has stability, which all writers on political science, as we before have quoted, agree is the fundamental need of a democratic nation, they cannot establish their side of the case. This they cannot do, for as I have shown, the

Parliamentary government depends for its successful working on its instability. Without this quality it could not exist. Honorable Judges, we have quoted you many leading authorities saying that stability is an essential of government. They have quoted none in support of simplicity. Which shall be accepted? If they can quote no authority for simplicity except their own opinion, shall we not be justified in following such political science students as Burgess, Lowell and Bagehot, as well as the dictates of common sense, and say that stability is the essential need, and simplicity a doubtfully desirable quality?

Again, in their argument they have failed to show how the growing evil of third parties can be coped with. Under this form, as we have shown you, a third party, or even a faction, can, by securing the balance of power, throw the administration into confusion, and force it to give them everything they desire, and the administration must accede to the demand or be turned out of office. We have shown you how in England, the most conservative of nations, and where the Parliamentary government works better than anywhere else, that this very result is making two-thirds of their legislation extremely partisan. The Labor party only two years ago demanded and secured the passage of a strike law which contradicted the fundamentals of common law, and that all sensible people declared an outrage and an injustice. But what could Parliament do? They had to pass it or be thrown out of office, or else incur the expense of a campaign with danger of being defeated. The field

thus opened up for factional legislation is alarming in the extreme. Under this form of government there can be no check. Our opponents have failed to show in any manner how this difficulty can be met. It is this difficulty more than any other that is turning former adherents of this form of government away; and the impossibility of precluding this class and factional government and still retaining a Parliamentary government has awakened during the past few years a great deal of agitation in England looking toward a change to the Presidential form. Our opponents must meet this point. If they fail, they will not have answered the most serious and pressing challenge we have to offer.

SECOND NEGATIVE REBUTTAL, G. E. WICKENS,
MORNINGSIDE.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The affirmative have asserted that we must uphold the committee system if we are to defend the Presidential form of government. We deny this flatly. The committee system is common to both forms of government. In support of this I have quoted from Bryce where he says that the committee system is in use in France and England, both of these countries having the Parliamentary form of government. This argument is, therefore, a non-essential.

The affirmative have taken for the essential needs of a progressive and democratic nation: simplicity, responsiveness, and efficiency. My preceding colleague

has explained that simplicity is merely a desirable quality, and not an essential feature in any government, as is stability. In his main speech my other colleague has shown that the responsiveness obtained under the Parliamentary form of government is of the wrong kind, since it is the transitory and impulsive will of the people, instead of the mature and deliberative will, that is expressed. In my speech I proved that the Presidential form of government is more efficient than the Parliamentary form. The gentlemen of the opposition have contended that Parliamentary government is efficient because of the rapid procedure of the legislation, ignoring the fact that efficiency does not consist in haste, but in the doing of things so well that they will not have to be done over again. They have made the point that competency is necessary in officials if the government is to be efficient; but I have shown that one of the reasons why Parliamentary government lacks efficiency in the executive department is the very fact that the cabinet members are inferior in character. I have shown that the choice of ministers is limited to the legislative body, and, therefore, men peculiarly fitted for administrative duties cannot be sought elsewhere. This is proved by actual experience, for there is not a man in the present English cabinet who ever had any experience fitting him for his department. Every one was chosen because he was a political leader. In the present United States cabinet, only two ever sat in the legislature. They were business men and able administrators. Prof. Low of

Oxford says that the Parliamentary system tends to exclude the strong man, and to hand over affairs to tonguesters and rhetoricians.

I showed, secondly, that Parliamentary government lacks efficiency in the executive department because the tenure of office is uncertain; that if there is no permanence in the executive there can be no sequence in its acts. The affirmative have seen fit to ignore this point entirely.

I showed that Parliamentary government lacks efficiency in the executive department, in the third place, because the ministers cannot give undivided attention to their departments, pointing out that in the serving of one department, executive or legislative, the other must be neglected, with resulting inefficiency in both. Prime Minister Peel said: "I defy the minister of this country to properly perform the duties of his office and also to sit in the House of Commons eight hours a day for 118 days. A premier may lose his grip of the administration, but he cannot relax his hold on the party conflict." The Affirmative have also been unable to meet this point.

I contended, in the second place, that Parliamentary government lacked efficiency in the legislative department; first, because it produced hasty legislation. The affirmative would have us believe that this is a desirable feature in any government, but this is ignoring the fact that much of this hasty work has to be reconsidered. Prof. Low says: "In Great Britain there is always the possibility of a majority in the House of Commons legis-

lating, in a spasm of reckless violence, at the instigation of a powerful and injudicious ministry."

The affirmative have not ventured to deny my contention that Parliamentary government fosters legislation by factions. The history of every Parliamentary government bears innumerable instances where this has been the case. It is impossible to defend a system where the dictates of a small faction holding the balance of power must be obeyed by the two great parties, and especially by the party in power. All these things make for inefficiency in the legislative department.

My third main contention, that the Parliamentary form of government lacked efficiency in the judicial department, the affirmative have not even ventured to touch. This subjection of the judicial department to political influence and control is an evil inherent in the Parliamentary system, because it grows out of the concentration of such great powers in the one legislative body.

I have thus briefly reviewed my argument that Parliamentary government lacks efficiency in every one of the three departments, executive, legislative, and judicial, and have shown the failure of the affirmative to meet these points. Therefore, since the Parliamentary form by its very nature must be lacking in efficiency, that prime necessity in any government, I maintain that it is *not* better adapted to the needs of a progressive and democratic nation.

THIRD NEGATIVE REBUTTAL, D. P. MAHONEY,
MORNINGSIDE.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The negative have shown that the fundamental needs of a progressive and democratic nation are three: stability, efficiency and democracy. We have proved that the Parliamentary form of government is less adaptable than the Presidential form to each and every one of these fundamental needs. Throughout this debate we have based our argument upon the fundamental distinction between the two forms of government; that is, the relation between the executive and legislative departments.

The first speaker for the negative has proved that, because under the Parliamentary form the executive is dependent upon the legislature, that form is less stable than the Presidential form, for two main reasons: First, because the administration in a Parliamentary government is in constant danger of being overthrown, since the members of the executive department are all jointly responsible for bills proposed by any one of their number, while under the Presidential form the executive and the legislative officers are elected for stated periods and on definite policies. The affirmative have claimed *sufficient* stability for the Parliamentary form. Can a government be sufficiently stable that turns out the ministry upon a single issue, that enacts the momentary impulses of the people into law, whose ministry must fight for its life every night in the lower house, and must continually

cater to third parties to maintain a majority? Under the Parliamentary form in New Zealand there have been forty ministries in forty-two years, in France thirty ministries in thirty-three years, and England and Belgium have almost as high an average. Is a government stable whose ministry must resign because one man fails—which has no stated policies, no definite tenure of office?

In the second place, the Parliamentary form has no checks and balances. The lower house of the legislature is supreme and cannot be checked by the upper house, by the executive, or by the judiciary. The Presidential form has real checks and balances, producing a distribution of authority by which the liberties of the people are protected.

The second speaker for the negative has proved that the Parliamentary form of government is less efficient than the Presidential form for three main reasons: First, because the executive is less efficient, for the cabinet members are inferior in character. The gentlemen of the affirmative have said that under the Presidential system men are chosen because of their political pull. My colleague has shown you that these men are specialists in their line, and he has also pointed out to you that the direct opposite is true under the Parliamentary form. Further, he has shown that the tenure of office of the ministry is uncertain, and that the members cannot give individual and undivided attention to their departments. He showed the Parliamentary form to be less efficient, in the second place, because the legislature is less efficient. It produces hasty and dangerous legislation, it cannot

give undivided attention to law-making, and it fosters legislation by factions. Thirdly, he proved the Parliamentary form to be less efficient because the judiciary is less efficient, for it is subject to political control and influence.

The third speaker for the negative has proved that the Parliamentary form is less *democratic* than the Presidential form, first, because the Parliamentary form is despotic. It merges all governmental powers in the hands of one body supreme and irresponsible. The long term of office of the United States Senators has nothing to do with this question. The argument hinges upon the relation between the legislature and the executive. But if the affirmative insist on making the long term of the Senators an issue, what can they do with the hereditary House of Lords? They must either acknowledge that the Lords are a more despotic check than the Senate, or acknowledge their approval of the one-house system and the concentration of powers which Jefferson, Madison, Blackstone, Wilson and Burgess have charged with being despotic.

The negative have proved that the Parliamentary form is less democratic than the Presidential form, second, because it does not represent the minority. It absolutely forbids and excludes them from any representation whatever, while under the Presidential form the minority are fairly represented on every committee. It is less democratic, third, because it represents the impulsive rather than the deliberate will of the people. It forces elections upon a single issue, making for instability, inefficiency,

and undemocratic government, while the Presidential form has its elections upon stated policies, at stated times, electing an administration for a definite period to carry out the deliberate will of the people as expressed upon a definite platform.

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THE "THREE-FOURTHS DECISION" IN JURY TRIALS

WILLIAM AND VASHTI COLLEGE vs. MON- MOUTH COLLEGE

The Websterian Society of William and Vashti College and the Eccretian Society of Monmouth College met each other in debate April 18, 1911, on the question of the "three-fourths decision" in jury trials. The decision was unanimous for the Affirmative argument of the Websterian team. It is to be regretted that the speeches of the Affirmative can be given here only in condensed form, as this subject opens up the mooted question of justice in American court procedure, and is also fairly new in debating circles.

The statement of the question was:

Resolved, That in all jury trials the concurrence of three-fourths or nine jurors should be sufficient for the rendering of a decision.

The editor is indebted to Profs. Glenn Clark of William and Vashti and M. M. Maynard of Monmouth as well as to the debaters of both institutions for the following summaries and speeches.

THE "THREE-FOURTHS DECISION" IN JURY TRIALS

WILLIAM AND VASHTI COLLEGE vs. MONMOUTH COLLEGE.

FIRST AFFIRMATIVE, ROBERT D. MCCORD¹, WILLIAM AND VASHTI COLLEGE.

The first speaker first went extensively into the history of the question, showing the origin of the unanimous vote of the twelve-man jury to be in the period when the greatest precaution was necessary to prevent the oppression of the people by the government. He next showed that the tendency of the times was to provide for the majority verdict, in which argument he reviewed the court practices of the various countries, pointing out that in every country except England less than a unanimous verdict was the practice, and that in England, the home of unanimity, it had been provided by recent statute that the verdict of nine would be taken as the verdict of the whole after six hours' deliberation, in civil cases.

He next took up the trend of legislation in our own country in regard to this proposition and showed that in several of our states the majority verdict was in operation, and to supplement this evidence he produced letters from several attorneys general in the states which had

¹Summary by J. E. Shatford, W. & V. College.

such a law, showing that they were highly in favor of this system, showing also that they were unanimous in their praise of the practical workings of the majority verdict.

His argument closed with a psychological treatise on the human mind, discussing carefully and fully man's processes of thought, the influences which determined his judgment, etc., supplementing this treatise with statements from Munsterburg and James, the eminent psychological authorities. His conclusion of this treatise was that until the advocates of the unanimity principle could justify or overcome this inconsistency between the unanimous verdict and the human mind, they must concede that there existed a grave, fundamental inconsistency in the theory of the unanimity verdict.

SECOND AFFIRMATIVE, FRANK GRAN¹, WILLIAM AND
VASHTI COLLEGE.

The second speaker recalled the inconsistency in theory existing between the unanimity rule and the inherent disposition of the human mind. He went on to show that as a result of this inconsistency there had grown up grave evils in the practice of the system which threatened the very existence of the jury system in this country. These practical evils were: (1) disagreements; (2) compromise verdicts; (3) verdicts in which the unanimity is merely apparent. Disagreements he held to be an evil because they delay and, as a matter of fact, tend to defeat justice. These disagreements re-

¹Summary by J. E. Shatford, W. & V. College.

sult from the normal natural differences in the minds of men, again, from the possibility of a single juror being overcome by the eloquence of counsel, by affiliations or by corruption. Compromise verdicts were contrary to the theory of jury trial and tended to defeat the aim of this institution. A single juror by compromising his honest conviction which is presumed to be the approximate justice thus compromised justice. Apparent unanimity verdicts fail not only to carry out justice, but also force the jurors who concur in a verdict which is not their honest conviction to violate their oath. He concluded with a reference to a number of authorities who were unanimous in attributing much of the evil in our jury practice to the unanimity verdict.

THIRD AFFIRMATIVE, J. E. SHATFORD¹, WILLIAM AND
VASHTI COLLEGE.

The third speaker briefly reviewed the arguments of the two preceding speakers and took up the majority verdict both theoretically and practically, showing that it would do much toward reconciling the inconsistency under the unanimity rule and at the same time would operate to mitigate the practical evils outlined by the second speaker. He showed that the majority rule made an allowance for the normal and natural differences in the minds of men, precluded the possibility of evil resulting from the biased juror, and made it necessary to corrupt four jurors instead of one as under the unanimity

¹Summary by himself.

rule; that the majority rule did not commit the incongruity of giving equal weight to the mind of one man as opposed to that of eleven. This he contended to be contrary to reason and contrary also to the fundamental doctrine of our governmental institutions. He showed that under the majority verdict compromise verdicts and verdicts in which the unanimity was merely apparent would largely cease, for, as the forced reconciliation of honest conviction was removed, jurors would no longer be forced to such expedients as used hitherto to render a verdict and thus prevent a disagreement. The blame for the present condition of our administration of law was placed upon the unanimity verdict just in so far as it had operated to delay and defeat justice. This was based upon the axiom that crime has increased or decreased just in so far as the punishment therefor has been swift and sure.

The speaker then proceeded to a discussion of the clause "in all jury trials." He contended that the jury was not expected to ascertain the absolute truth, but they were to secure in their determination the approximate truth. Basing his argument upon the concession of the negative that the majority verdict would be satisfactory in civil cases, he reasoned that we aim to secure justice in civil cases as well as in criminal cases, and that if it is the approximate truth in one case it must necessarily be in the other. In answer to the proposition that the majority verdict tore away the original protection thrown around the man accused of crime, he argued that if we start with the approximate truth, which the

negative conceded, then retain all of the strict rules of evidence, assumption of innocence, etc., designed to protect the accused, we are retaining the same distinction between civil and criminal causes as before existed, and are basing our distinction on the approximate truth as conceded by the negative.

He closed with an appeal to counteract the sentiment usually introduced to defend the unanimity rule in criminal actions.

FIRST NEGATIVE, JOHN E. SIMPSON, MONMOUTH.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The question for discussion this evening is: "Resolved, that in all jury trials the concurrence of three-fourths, nine members, should be sufficient to render a decision." In the first place, the negative admits the present system inefficient as administered. The question then is: Would a three-fourths vote further justice? The proof of the question lies with the affirmative, for, "Whoever assails any existing system must be prepared not only to point out its imperfections, but to propose in its stead a substitute of greater merits or less objectionable."

In denying the question, we shall prove, first, that the per cent of mistrials due to hung juries in criminal cases does not justify a change; second, that the miscarriage of justice is due to other causes than the requirements of unanimity; third, that the present evils would not be remedied by the proposed system.

The negative admits for the sake of argument the possible justice of a three-fourths vote in civil actions, as a majority of the verdicts in such cases are reached by compromise. For instance, a suit will be brought against a corporation for forty thousand dollars damage; the jury will be divided and finally render a decision for fifteen to twenty thousand. That, however, is simply a matter of equity where a mere preponderance of the evidence is all that is required for a decision. But, in a criminal action, it is not a case of agreeing on a lighter or heavier punishment, but on a question of guilty or not guilty. A juror may entertain a reasonable doubt in a civil action, yet must base his decision on the preponderance of the evidence whether for the plaintiff or defendant. If the affirmative were suing the negative for twenty-five thousand dollars damage this evening, you as a jury might be divided as to the injury in question and reach your decision by mutual concessions. But, if we were charged with a criminal offense, you could not compromise, but would have to render your decision as "Guilty" or "Not Guilty." Therefore, in admitting civil actions, we admit nothing that pertains to criminal cases. Yet, according to the statement of the question, the affirmative must defend a three-fourths vote in *all* cases. It is not enough, therefore, for the affirmative to prove a three-fourths vote desirable in civil cases; they must prove it desirable in *all*. We grant their contention in regard to civil actions, as the verdict in such cases is mainly a compromise, but contend that a three-fourths vote in criminal cases is not desirable. Our

question states *all jury trials*, and since we do not value life by dollars and cents, since we are not satisfied with a mere preponderance verdict where life is at stake, it is the duty of the affirmative to prove that justice would be furthered enough in cases where character, liberty or life are involved to necessitate a change.

It is my purpose to prove, first, that the per cent of mistrials due to hung juries does not necessitate a change, for decisions are reached in 95 per cent of the criminal cases already, and justice is not defeated even in the 5 per cent of the cases where decisions are not reached; second, that the defeat of justice cannot be laid to the requirement of unanimity.

President Taft says in regard to criminal cases, "In ninety-five cases out of every hundred, unanimity is reached." This statement is corroborated by Chief Justice Fuller when he says, "Only 5 per cent of all cases tried result in mistrials by hung juries." This shows that in 95 per cent of the cases tried a decision is reached, and in only 5 per cent a decision is not reached. In other words, Honorable Judges, our opponents argue for a three-fourths vote in order to get a decision in 5 per cent of the cases—one case out of every twenty—and would jeopardize the lives of their fellow-citizens who are accused on perhaps purely circumstantial evidence in order to reduce the small ratio of 19 to 1. If our juries failed to reach a decision in 25 per cent, yes, even in 10 per cent of the cases brought before them, the affirmative might be justified in attacking the present system. But, as long as 19 out of every 20 of our juries render

a verdict, the one mistrial due to hung jury does not and cannot necessitate a change.

Granting, however, that the 5 per cent are mistrials, it does not follow that justice is defeated even in these few cases. Horace E. Deemer, Chief Justice of Iowa, says, "A second trial often proves that the minority who hung the jury in the first trial were in the right and that justice was not defeated but furthered." Is it reasonable to say that in every case where the jury does not agree that the majority were right and the minority wrong? But, granting that justice is defeated in 2 per cent or even 3 per cent of the cases tried, the affirmative must prove that unanimity was the cause of the defeat and that the juries are hung by three men or less. Judge Grier says, "I do not think the number of juries hung by three men or less will exceed 1 per cent, as the majority hang six to six and many eight to four or seven to five." The recent cases of Brown and Erbstein were hung by more than three men. The Erbstein jury hung six to six and that of Brown eight to four. I might mention others, but that is unnecessary. Would the change advocated by the affirmative have furthered justice in these cases?

In view of these facts, is the affirmative reasonable in asking for the change they propose? In doing away with the requirement of unanimity, they would eliminate the one redeeming feature of our juries. The principle of our jury system is that a man must be proved guilty beyond a reasonable doubt before his life or liberty can be endangered. Justice Samuel F. Miller, in the Ameri-

can Law Review, says, "It is my opinion that the principles of the jury system which requires unanimity in the jury to make valid the verdict in criminal cases is a sound one. I believe that no man should be rendered infamous by the judgment of the court, or punished in any other manner under a penal statute, unless twelve men are satisfied that he is guilty of the matter charged against him. As all punishment is rather intended as an admonition for the suppression of crime, and to prevent the commission of like offenses in the future, than as a retribution for the one on trial, it is wise that the community should have the assurance that the man so punished for its benefit was guilty, which arises from the concurrence of the opinion of twelve jurors, and that no man should be convicted where one man has a reasonable doubt of his guilt." Honorable Judges, when we stop to think of the injury to the defendant that must result from an unjust conviction, we readily see why we have held to this rule and why a change would be dangerous. It is often the case that twelve men will convict an innocent man. The case of Andrew Toth, as described in *The Outlook* for April 1, is a good illustration. A death sentence was commuted to life imprisonment. Two weeks ago he left prison after serving for over twenty years for a crime he did not commit. He is an aged man, though only sixty-two, with twenty years of his life blighted, and all because twelve men believed testimony which has been proved untrue. Does it not stand to reason that nine men would be more liable to convict an innocent man than twelve? And,

would it not be better even to let a few of our guilty escape than to make possible the increase of such injustice? Proof sufficient to satisfy beyond a reasonable doubt, then, is and should be required in all criminal cases, because its purpose is punishment and not merely a compensation for an injury; the result to the defendant of its successful prosecution is the irreparable loss of reputation and, frequently, the loss of liberty or life. Shall we deprive the defendant of trial beyond a reasonable doubt? Shall we be satisfied with a mere preponderance verdict and place the value of liberty or life below par, simply because in 5 per cent of the cases tried the jury cannot reach a unanimous decision? Honorable Judges, it lies with the affirmative to prove that justice is defeated in the 5 per cent mistrials due to hung juries, and that a three-fourths vote will remedy the defect.

Now, we admit that we do not convict our criminals in as many cases as we should, but we deny that it is due to the requirement of unanimity. W. P. Bliss, in his *Encyclopedia of Social Reform*, gives the following statistics: In 1876, the per cent of criminals convicted in England was 70 per cent; in 1891, 77 per cent; and in 1905 82 per cent. This shows an increase of criminal convictions in England of 12 per cent. In the conclusion of the same article Mr. Bliss says that crime is on the decrease in all countries except the United States, Germany, Netherlands, and the Scandinavian countries. This shows that England, though her jury verdict is required to be unanimous, is increasing her per cent of convictions and at the same time decreasing her crim-

inality; while Germany, under the rule of the majority verdict, has an increase in crime. This proves that the increase of criminality in the United States cannot be laid to the requirement of unanimity.

Honorable Judges, we have admitted that the present system is inefficient as administered in the United States; we have also admitted for the sake of argument the possible justice of a three-fourths vote in civil cases, as the majority of the verdicts in such cases are reached by mutual concessions. It now lies with the affirmative to prove that the majority verdict would remedy the existing evils in all criminal cases. I have proved to you, first, that the per cent of mistrials due to hung juries does not necessitate a change, as decisions are reached in 95 per cent of the cases and that justice is not defeated even in the 5 per cent mistrials due to hung juries; second, that the miscarriage of justice in our country cannot be laid to the requirement of unanimity. My colleagues will prove, first, that the defeat of justice in the United States is due to other causes than the requirement of unanimity and, second, that the present evils will not be remedied by the proposed change.

SECOND NEGATIVE, WILLIAM L. MCCULLOCH, MONMOUTH.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The negative has shown that the percentage of trials in the United States in which a verdict is not rendered is but 5 per cent. The affirmative have thus far failed to prove that the 5 per cent of the so called mis-

trials represent a miscarriage of justice. Neither have they or can they prove that these juries have hung on a nine to three, ten to two, eleven to one basis.

We of the negative admit the miscarriage of justice and the increase of crime in the United States. We have proved that justice is satisfactorily administered in England, convictions in all crimes reaching 82 per cent, in homicides 50 per cent, while in the United States the convictions for homicide is but 1.3 per cent. Yet both England and the United States require jury unanimity

The affirmative must therefore admit that since English jurisprudence is successfully administered, since crime in England is on the decrease and convictions on the increase, and since England exceeds many European countries in the number of convictions and in the decrease of crime, the fault of the miscarriage of justice in the United States is not due to the unanimity requirement, but rather to some other features in the process of the law and its administration.

The negative places the cause of failure of justice in the United States on the following four evils in our judicial system:

1. Inefficient and corrupt police systems.
2. Wrong methods of impanelling a jury.
3. Delays in court procedure.
4. Needless appeals.

One of the chief causes for the miscarriage of justice in the United States is found in our faulty police system. Our present police system in the United States is inadequate for the needs of public safety. Chicago has but

one policeman for every five hundred eighty-three of its citizens; London possesses one policeman for every two hundred fifty-three. The result is: In London in 1903 there were twenty-four murders committed; there were no undiscovered crimes; nine of the murderers were hung and four sent to an asylum; the convictions equalled 65 per cent. In the same year in Chicago, one-third the area and population, there were one hundred twenty-eight murders; nineteen cases in which no arrests were made; convictions equalled 27 per cent. In the two cities a unanimous verdict is required.

Our present police system is not only inadequate, but it is corrupt. In 1909 one hundred seventy-five disreputable resorts paid the New York police \$200,000.00. Gen. Thos. A. Bingham, former police commissioner of New York, states that the plunder of the New York police reaches \$100,000,000 annually.

The contrast which a system such as this makes with the English system is shown when we consider that the parliamentary committee on investigation of the police of London, in 1906, found only nine policemen guilty of misconduct. Contrast this with Chicago's police force, one-fourth of whom were up before the trial board for misconduct in the year 1905.

The second cause for the miscarriage of justice in the United States is found in our methods of impanelling a jury. Ex-Justice Brown, of the United States Supreme Court, states that the selection of a jury is the paramount abuse in criminal procedure. In the United States the prisoner may have at least twelve arbitrary

challenges, the counsels any number for cause. The evils of such a system are apparent. Not only are the best men prevented from jury service by objection, but trials are delayed, and active business men and professional men are not permitted to serve on account of this delay. The absurdity of the whole system is seen in the following cases. In the Shea bribery case in Chicago, thirteen weeks were consumed in the selection of a jury; 4,716 talesmen were examined at an expense of \$60,000.00. In the Teamsters' Strike case in Chicago, eleven weeks were consumed in the panel; 1,929 men examined; the first juror selected was kept for practically two months before the case even began. Is it then strange that State's Attorney Healy of Chicago in 1907 said that the *failure* to secure good men on the jury is due to the *failure* of the law to provide a more expeditious procedure for the trial of cases?

With Prof. Garner, of Illinois University, we answer: "It is not at all strange that a man who is confronted by the prospect of being dragged away from home and business and kept in virtual confinement for days, weeks, and even months, before the trial is really started, should profess a prejudice which he really does not feel."

Moreover at the present time in the United States it is not necessary that any one who understands the technicalities of exemption serve on the jury, and but few of those who are *willing* to serve are allowed to serve. England obtains better justice than the United States because of the character of its jurymen. Good jurymen are obtainable in England because of the power of the

judge in selection, the small number of exemptions for cause, the expeditious methods of the court.

The New York commission on law's delay reports a letter of T. Newton Crane, a London barrister, to Hon. Joseph H. Choate: "The examination of jurors on their personal convictions is absolutely unknown in England, while many lawyers who have been in practice for twenty years or more have never known a juror to be objected to for cause." Prof. Garner states that in England rarely more than an hour is consumed in jury impanelling for the trial of the most important case. Examples of this may be seen in the Raynor trial, 1905, analogous to the Thaw case, and the Crippen trial; both of whose juries were impanelled in one hour.

The third cause for the miscarriage of justice in the United States is found in the delays in our court procedure. This can best be shown by that monstrosity of judicial trials, the Thaw case, which consumed seven weeks in the first trial, the second trial being completed after one and one-half years had elapsed since the crime.

At the same time, in England, a man, Rayner, was convicted of an exactly similar crime in one day. Insanity was the plea in both cases.

On December 30, 1903, the Iroquois Theater was burned in Chicago; after two months an indictment was brought against the proprietor; the judge considered it three months and quashed it. In March, 1905, one year later, a new indictment was returned, and finally the trial took place in March, 1907, three years and three months after the fire. The man was acquitted on a

technicality. The Crippen trial in England consumed six days. Crippen's accomplice, a woman, was acquitted in six hours.

Justice Brown says, "A court of conservative old England will dispose of a dozen jury cases in the time that would be required here for despatching one. The cause is not far to seek. It lies in the close confinement of the counsel to questions at issue, and the prompt interposition to prevent delay. . . . Objections to testimony are discouraged and rarely argued. . . . The result is that defendants rarely escape punishment for their crimes and homicides are infrequent."

The fourth cause for the failure of justice in the United States is found in needless and unjust appeals. According to American procedure the rendering of the verdict is only the beginning of the trial in serious criminal cases. A committee of the American Bar Association, in 1887, reports that new trials were granted in 46 per cent of the cases brought under review of the appellate courts in the United States, 27 per cent being granted on mere technicalities. The New York commission on law's delay, 1903, state that 42 per cent of appealed cases are granted retrials. Texas in 1906 *reversed* 56 per cent of her appealed cases; Wisconsin, 30 per cent.

In the law records may be found the causes for new trials and reversals. Let me read a few of the reasons for reversals taken at random from various records:¹

On the other hand, "It is the rule of the English procedure that a judgment or verdict of a trial court shall

1 ED. NOTE—Extracts omitted in copy.

never be disturbed or a new trial granted for error if the evidence admitted is sufficient to justify the judgment or verdict." The result of such a rule is plainly evident. In 1900, out of 337 appealed cases, 15 retrials were granted. In 1904, out of 555 appealed cases, 9 retrials were granted.

Federal Judge Amidon, of North Dakota, states that in England new trials are granted in less than 3.5 per cent of the appealed cases. President Taft stated, in 1905, that if the United States would adopt a system such as is in operation in England, ninety-nine out of every one hundred reversals would be avoided.

Honorable Judges, we of the negative have admitted the miscarriage of justice in the United States. We have shown, however, that the percentage of trials in which a verdict is not reached is only 5 per cent. The affirmative have failed to show that a mistrial is a miscarriage of justice; nor have they shown that these juries have hung on a nine to three, ten to two, eleven to one basis. The negative have made evident that England under the unanimous verdict system renders satisfactory justice, and ranks well with the countries on the continent under a different system. By this we have proved that the miscarriage of justice in the United States is due, not to jury unanimity requirement, but to other practices in the administration of justice.

The negative have shown that the failure of justice in the United States is due to:

1. The inefficient and corrupt police system.
2. The methods of impanelling a jury.

3. The delays in court procedure.

4. Needless and unjust appeals.

Honorable Judges, it lies with the affirmative to prove that a change to a three-fourths verdict system in our juries will correct these evils.

The negative's last speaker will show that under the three-fourths verdict system these evils will not only remain, but in many instances will be greater.

THIRD NEGATIVE, HARRY GHORMLEY, MONMOUTH.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleagues have proved, in the first place, that the small per cent of trials in which a verdict is not reached does not justify the proposed change; in the second place, that the present miscarriage of justice is not due to the unanimous vote of the jury, but to other causes, namely, the inefficient and corrupt police system, the improper methods of impanelling a jury, the delay in the procedure of the trial, and to unnecessary appeals. It shall be my purpose to prove that these causes of the miscarriage of justice will neither be remedied nor diminished under a three-fourths jury vote.

In the beginning let me remind you that the burden of proof lies with the affirmative. We have admitted that the present judicial procedure is inefficient, and that justice is not successfully administered. My honorable opponents contend that by changing the unanimous jury vote to a three-fourths vote, the evils will be corrected. Yet, Honorable Judges, what proof have they advanced? We have proved that in but five per cent of

trials in the United States a verdict is not reached. Furthermore, gentlemen, the affirmative are guilty of a gross fallacy in their argument by hasty generalization, when they assign the reason for the miscarriage of justice to a single cause, to the unanimous vote of the jury, while we have proved that the most important causes for the miscarriage of justice lie, not in the jury vote, but in the inefficient and corrupt police system, in the improper methods of selecting a jury, in the delays of trial procedure, and in the needless appeals, any one of which is sufficient to produce the effect which they say is produced by unanimity. The affirmative must either prove that the unanimous jury vote alone is responsible for the dissatisfaction with our present judicial procedure, or they must prove that the proposed change will correct the causes for failure which we have proved do exist. This they have not done, and until they furnish such proof they have no basis for their argument.

I shall prove that the existing evils of our judicial system will neither be corrected nor even lessened under a three-fourths jury vote. First, the three-fourths jury vote will not correct the evils of our police system. Will the police be able to apprehend a greater number of criminals simply because the vote of the jury which tries those whom they do capture is changed? The negative have shown the inefficiency and corruption of our police systems. We have shown that many criminals in the United States escape justice and that England and European countries bring a much greater per cent of criminals to justice. This certainty of being arraigned

for trial, my opponents will admit, has its effects on diminishing crime. This is one reason, therefore, for the per cent of homicides in England and European countries being less than in this country. The vote of the jury that tries these criminals does not affect the question of apprehending them. Therefore, Honorable Judges, the evils of an inefficient and corrupt police system would be equally effective under a three-fourths jury vote, and the remedy cannot lie in the change of the unanimous vote.

Again, how will the impanelling of a jury be affected by changing the vote of that jury after it is selected. The gentlemen of the affirmative, however, are trying to prove just such an absurd proposition. We of the negative have proved that one of the paramount abuses of the procedure of our trial system is the unnecessary expenditure of time and money in the selection of a jury. We have compared this with the time required for the same process in England, where the per cent of convictions far exceeds those of our nation. We have shown that England, with its more efficient system of judicial procedure, requires from one to three hours in selecting a jury, while we require from one day to eleven weeks. Think of that, gentlemen, eleven weeks to select a jury! Yet the affirmative would have you believe that in the vote of the jury lies the waste of time. President Taft said in an address at Chicago Sept. 16, 1909, "The chief difficulty of our judicial procedure is undue delay." The affirmative admit that delay defeats justice. However, this unnecessary delay in the selection of a jury

does not exist in England with her unanimous jury vote, nor in European countries requiring less than unanimity, and for this reason justice is more swiftly administered in these countries. The affirmative must prove that this delay in the selection of a jury will be relieved by a three-fourths jury vote. This they have failed to do for the very obvious reason that the vote of the jury can have no connection with the selection of the jury.

Let us examine another phase of the selection of a jury. Every man should have the right to be tried by his peers, his equals, but we have proved that on account of arbitrary exemptions, challenges for cause and peremptory challenges the most desirable class of citizens are excluded from jury service. Then what class of men remain for jury service? Listen! Ex-Justice Samuel F. Miller, in the *American Law Review*, Vol. XXI, page 866, says, "Present methods of selecting jurors has resulted, as common observation shows, in excluding the intelligent man and accepting the ignorant one. . . . The ignorant and stupid (men who take no interest in the world about them, and are unacquainted with its affairs, and are indifferent to the good order of society) are the remnant who remain to try the defendant." Judge Thompson in the *American Law Review*, Vol. 39, page 267, says, "The American jury is often composed of the most ignorant men to be found in the community, selected because they are ignorant of the facts (no matter how notorious these facts may have been)." The words of these gentlemen need no comment. They show that the men composing many of our juries are men of little

conscience, who are easily influenced ; and a smooth, skillful, resourceful criminal lawyer can so direct the evidence and so influence these jurymen that they will be governed accordingly in rendering their verdict.

President Taft says in the *North American Review*, June, 1908, "Skilled counsel of dramatic power are often able to confuse the minds of jurymen so as to make them reach conclusions which as men in business they would repudiate as absurd," and again before the Yale Law School, June 26, 1905, "Counsel for defendant endeavors to create a false atmosphere and a hypnotic influence in an American court room which the judge is powerless to expel. . . . The ends of justice are defeated by the virtual effacement of the judge." There is but one conclusion to be drawn from this evidence. A learned and skillful counsel, with such men composing our juries, is able "to delude them, to work upon their prejudices, to enlist their sympathies, and in the end to win their verdict," while the judge is powerless to keep the course of justice in its proper channels. Will a three-fourths jury vote further justice under such conditions? Not in the least degree, for it will not change the character of the jurors. It will not give the judge the necessary authority to exclude all evidence and all arguments of the counsel that do not bear strictly on the issues involved. This shows another feature of the superiority of the English system, for her judges are appointed for life and are not hampered by such numerous restrictions as prevail here. We also have another example of the European countries having less than unanimity not being analo-

gous, for they have a substantial class of jurymen, as in Germany and Switzerland, where only the most reliable and intelligent men serve on a jury. Therefore, the time required in impanelling a jury, our inferior class of jurymen, and the restrictions of our judges, will still exist as the paramount evils under the change proposed by the affirmative. And now, gentlemen, if the affirmative are correct in assigning these evils to the unanimous jury vote, why is crime decreasing and convictions increasing, as we have shown, in England with unanimity? The affirmative are evidently showing great inconsistency in their argument.

In the last place, gentlemen, the negative has proved that 46 per cent of all appeals in our courts are granted, and that 60 per cent of these are due to minor technicalities. We have shown the significance of this fact as it affects the administration of justice. The affirmative will admit that the greater the amount of time elapsing between the committal of a crime and the final trial, the more difficult it is to convict. Then let me ask them what per cent of this waste of time on account of needless appeals will be saved by their proposed change of the jury vote? We have shown, further, that this nation leads the world in the number of appeals and reversals that do not in any way affect the guilt or innocence of the defendant. Since England has but 3 per cent of appeals with unanimity of the jury, we must conclude that unanimity is not responsible for this evil, and, therefore, the proposed change will not affect the number of appeals. Here, again, the affirmative have failed to show that the

three-fourths vote will correct the evil and be the means of furthering justice.

It is, therefore, obvious, Honorable Judges, that the three-fourths jury vote will not further justice, and that the present objections to our system will not be removed. It is absurd to think that the three-fourths vote of the jury will change conditions upon which the vote itself is dependent. Thomas M. Sheldon, member of the committee of national civic federation of uniform laws, says in the Editorial Review, March, 1911, page 256, "If judicial procedure is to be reformed, it must be reformed as a correlated whole; else the last state will be worse than the first. No patchwork will do." We do not deny that our judicial procedure needs reform, but we want those parts of the system reformed that we have proved are responsible for the miscarriage of justice. The affirmative have failed to assume their burden of proof, for in order to meet the question squarely, they must show that the change is justified by existing conditions. They must prove that the change will result in more speedy justice, will eradicate the evils of our system, and will reform our system as a correlated whole. This they have failed to do.

The negative have proved:

1. That the proposed change is not justified by existing conditions.
2. That the failure of our judicial system lies in other causes than the unanimous verdict of the jury; namely, (1) in the inefficient and corrupt police system, (2) in the improper methods of impanelling the jury, (3) in

the delay of trial procedure, and (4) in the needless appeals.

3. That the existing evils of our judicial system will neither be corrected nor diminished under the three-fourths jury vote.

Therefore, in jury trials, three-fourths or nine men should not be sufficient to render a decision.

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THE CENTRAL BANK

OTTAWA UNIVERSITY vs. COLLEGE OF EMPORIA.

On March 8, 1911, Ottawa University debated the College of Emporia at Emporia winning a unanimous decision for the affirmative. The negative speeches not being available, as they were given from notes and were almost completely extemporaneous, the negative speeches of Denison University in debate with Ohio Wesleyan are used. The negative attitude of the Emporia debaters was much different, as the affirmative rebuttal speeches will show. They chose to admit the necessity of currency reform, the efficacy of the affirmative plan, denying at the same time that the affirmative presented a true Central Bank. They, themselves, proposed a plan differing slightly from the Aldrich plan, maintaining also that this was not a Central Bank and that it was superior to the one of the affirmative plan. The contention was a bold one, but the risk was too great for success as they were unable to prove that their own plan as well as the affirmative's was not a Central Bank plan.

The question was stated:

Resolved, that the financial interests of the people of the United States demand that Congress establish a Central Bank.

The speeches were contributed by the Ottawa debaters.

THE CENTRAL BANK

OTTAWA UNIVERSITY vs. COLLEGE OF EMPORIA.

FIRST AFFIRMATIVE, JESSE ELDER, '13 OTTAWA UNIVERSITY

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The welfare of any nation depends upon its continued financial prosperity. Since the panic of 1907 our financiers have been diligently and earnestly seeking for some means of preventing the financial disturbances to which our country alone is subject. As a result, attention has been directed to the Central Banking System, and the best authorities in banking affairs are rapidly singling it out from among many plans as the most effective and reasonable solution of our financial difficulties. Therefore, we come before you tonight with this proposition: "Resolved, that the financial interests of the people of the United States demand that Congress establish a Central Bank." First, the affirmative in supporting this proposition will show that our present financial system is inadequate to meet the demands of legitimate business and that some change is imperative; second, we shall present a plan for a Central Bank, and demonstrate its relation to the business of the country; third, we shall set forth the importance of the Central Banking System as an aid to the government.

The first great weakness in our present system is found in our credit currency; namely, our national bank notes. These are wrong in principle because they are based upon government indebtedness. Any national bank upon depositing bonds with the treasurer of the United States secures the right to issue notes to the face value of the bonds. It is obvious, then, that this part of our currency, based on government credit and indebtedness, is intended to fluctuate—to expand and contract according to the demand of the country for money. Now, Honorable Judges, it is absolutely absurd to contend that there is any necessary relation between the bonded indebtedness of the government and the demands of the country for currency. And since there is no such necessary relation, it is ridiculous to maintain that our government must be continually plunged into debt in order to furnish the country with an adequate supply of currency. This system of issuing money implies that the government remain in debt. If at any time our currency is to be materially increased, the nation must go further into debt. It must put out more bonds upon which to issue more national bank notes. If the government should ever pay off its bonds, we should be deprived of our national bank currency.

Not only, Honorable Judges, is this currency based upon the indebtedness of the government, but it means an actual loss to the country of millions of dollars. The logical thing for the nation to do is to pay off its debt and save the interest. This the United States did until the year 1900. In that year it was seen that if the

national debt were paid off as fast as the bonds matured we should have no bonds to back our national bank note circulation. Now, what did the government do? Although money was at hand to reduce the debt, the secretary of the treasury was authorized to refund the maturing debt into new bonds to run thirty years. By this policy \$500,000,000 public debt was destined to run for another quarter of a century, the government paying interest thereon. This means an actual loss to the government of nearly \$300,000,000 in interest. Moreover, the surplus that would otherwise be used in paying off the national debt collects in the treasury. Money lying idle there creates a tendency toward governmental extravagance. These are the evils, Honorable Judges, of a currency based upon the government's indebtedness.

Further, not only is this bond-secured circulation wrong in principle, not only is it costing the government millions of dollars, but it fails to meet the demands of legitimate business. The chief reason for this lies in the fact that the element of elasticity is wanting in our currency system. Now, what do we mean by elasticity? It is that quality in a currency which enables it to expand and contract, to fluctuate directly with the demands of trade for money. Obviously, there will be wide variations in these demands. In our own country there is a variation according to the seasons. In the fall, when it is necessary to buy and move the crops, there is a demand for currency in the country districts. Checks and drafts will not meet this demand, since labor must be paid for

in actual money. It is estimated that more than two hundred million dollars is needed in this fall demand. This money, not needed in the country in other seasons, has accumulated in the large business centers. Here the banks, not wishing to keep it idle, have loaned it out on call loans used principally in the stock market. When the demand comes from the country for currency, the loans are hastily contracted. If, however, the loans cannot be drawn in rapidly enough, a break may occur, as in 1907. When this demand is over instead of contracting as it should, the currency gradually drifts to the financial centers again—there to be used in speculation and gambling until another autumnal call.

A comparison between the elastic element in the Canadian system and the unresponsiveness in our own will aid in understanding this point. (Here Mr. Elder displayed a chart with a graph of the fluctuation of Canadian currency and of the steady expansion of currency in the United States.) We use Canada, not because of her system, but because her demands for contraction and expansion are identical with ours. A glance reveals that the Canadian currency rises and falls with each seasonal demand, while ours does not respond to any seasonal call, either up or down. Elasticity our system does not and cannot furnish.

Our opponents may say that national bank notes may be issued as a relief measure in times of emergency such as panics. But at times when additional currency is needed the banker can least afford to tie up capital by the purchase of additional bonds upon which to increase

his circulation. Moreover, before getting his notes he must go through all kinds of government red tape attendant upon the printing and issuing of the notes. So, in many cases the banker must wait several months after he purchases his bonds before he can issue money on them. By that time the special emergency for which the banker demanded an issue of currency is passed. The issue, then, increases the currency when the increase is no longer needed, and thus gives us a period of cheap money. This naturally induces over-speculation, a consequent stringency, and possible panic, which again cannot be relieved until it is too late. Thus it is evident that our currency is not properly elastic. It expands only, and does that at the wrong time. It fails utterly to meet the demands of legitimate business.

But now, Honorable Judges, not only is our currency wrong in principle, not only does it cost the government millions of dollars, not only does it fail to meet the demands of trade, but it is backed by a banking system which has one glaring defect. I refer to the system of reserves among the banks. By the provisions of the national banking act, the banks in forty-five of the larger cities are designated as reserve banks, and those in New York, Chicago and St. Louis as central reserve banks. Now suppose that A deposits \$10,000 in the First National Bank of Ottawa. By the provisions of the banking act the First National must keep at least 15 per cent reserve, which would be but \$1,500 of the original deposit. Of this reserve the banker may send three-fifths or \$900 to a reserve bank in Kansas City. This bank in turn can

loan out all but one-fourth of this sum, retaining \$225. Of this amount it may deposit one-half or \$112.50 with a central reserve bank in New York. The latter bank may loan out all but 25 per cent, leaving \$28.12. So in actual required reserve there is left but \$740 to secure the original deposit of \$10,000—of which amount \$140 is in distant banks. Even this reserve, small as it is, is absolutely useless, for, should the bank pay out any of it and fall below its required reserve, the government could declare it insolvent. Bankers realize this fact, and the moment confidence is shaken they begin to hedge and hoard and call in their loans, each seeking to secure his own preservation at the expense of the rest. It is this lack of union among bankers which makes a financial crisis so disastrous, and this lack of harmonious action would be only stimulated by the requirement of a larger reserve. . Consequently, there is need of a place where the reserves of the country may be kept for sure and prompt return in case of need. So, Honorable Judges, you have before you in concise form the two great weaknesses of our system today: A currency wrong in principle, unbusinesslike, and absolutely inelastic, and a system of reserves without unity, which does not inspire confidence, and which does not respond to the demands for money when money is needed.

Now, gentlemen, if we had a way of contracting our currency when business decreases, this would be a powerful restraint upon speculation. If we had a means of rediscounting the good commercial paper of our banks in times of increased demand for currency, there would be

no widespread loss of confidence; hence no panic. If we had a place where the gold reserves of the banks and of the United States treasury might be deposited safely, the wealth of the country and the business of the country might be co-ordinated to advantage. We, the affirmative, believe that a Central Bank would furnish these things, and upon these issues we base our argument in this debate.

It is necessary at this point to acquaint you with our plan for a Central Bank. We need not go into detail, but will present to you only the essential features of the Central Banking system. First, it shall be a bank of banks. It shall have a capital of at least \$100,000,000. The stock shall not be sold to individuals, but shall be distributed *pro rata* among the national banks. The shares shall be non-negotiable and non-transferable except to the Central Bank. There shall be established as many branches as are needed for convenience in reaching all parts of the country. The Central Bank shall not do a general banking business, but shall act through the present institutions which deal with the public. The control of the bank shall be in the hands of two boards—one a stockholders' organization consisting of representatives from each district in which there is a branch bank. This will prevent sectional and political control. The other, a supervisory board, shall be composed of the United States Treasurer, Secretary of the Treasury, Comptroller of the Currency, and two others appointed by the President of the United States. This central institution shall have the sole right of note issue, and shall base this issue

upon the short-time commercial paper offered it for re-discount by the different banks. Our present bond-secured circulation shall be retired as fast as possible without disturbance, and be replaced with the new issue. The Central Bank shall be the depository for banking reserves, shall act as fiscal agent of the government and receive its deposits.

Now let us examine an important function of this central institution, its currency elasticity. Suppose it is the month of September, the crop-moving time. There has been sufficient currency in the country during the summer to meet all legitimate business demands. Now, however, the West is in need of more currency to handle its produce. This is a legitimate demand for money. The First National Bank of Ottawa wishes to replenish its vaults. Instead of calling upon some bank for its reserves, as it must do under the present system, it sends some of its good short-time commercial paper to a branch of the Central Bank. This paper is re-discounted, and an issue of Central Bank notes is forwarded to the bank at Ottawa. This money is put into circulation, and thus expansion is secured. By the time payment on the short time paper discounted by the Central Bank is due, the demand which occasioned this issue is over. The bank at Ottawa then returns the Central Bank notes or their equivalent, receives its short-time paper, and thus the currency is contracted. This is only one of thousands of like transactions that would take place all over the country. Hence we see that expansion and contraction would be secured according to the demands of business,

No great surplus would be left over to drift to financial centers and there encourage over-speculation.

Finally, in controlling speculation, the initial cause of panics, the Central Bank may go even further through its regulation of the discount rate. Suppose there is a period of cheap money and this rate is low. The banks discount their paper freely in order to lend money for speculation. The Central Bank authorities, perceiving this, and fearing over-speculation, raise the discount rate. All other banks must follow in this raise, checking over-speculation, or run the risk of being caught in a future stringency and having to re-discount at the high rate of the Central Bank. Thus, although the rate would not be rigidly controlled, the great Central Bank would exercise a healthful, restraining influence over it. Bankers would grow more cautious, and such wild speculation as precipitated the panic of 1907 would become a thing of the past.

In view of these facts, Honorable Judges, it can be readily seen that the Central Bank becomes an effective head of an organized system of banking. In comparison with our present illogical and disorganized system, domineered by Wall Street speculators and financial kings, the Central Bank, controlled by the national government and by the safe and sane business interests of the whole country, has everything in its favor. In answering our proposition, the negative must show that our present system is perfectly adequate—which we have disproved; or, they must show that another solution is superior to that of the Central Bank—a thing which in

a further study of the question my colleague will show to be impossible; or, they must content themselves with picking trivial flaws in the details of the Central Bank plan. Confident that they can maintain none of these positions successfully, we submit that the financial welfare of the people of the United States demands the establishment of a Central Bank.

SECOND AFFIRMATIVE, WAYNE E. GILLILAND, '12 OTTAWA UNIVERSITY.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleague has shown how our currency system fails to meet the demands of business; he has demonstrated that a great Central Bank, backed by the government, would furnish what we do not now have, an elastic currency.

It will be the purpose of the affirmative at this time to show you that, besides having an inelastic currency, we have a fiscal system that is both uneconomical and unscientific. In the first place, the subtreasury system was founded on the wrong proposition; *i. e.*, that the government's business transactions should be and can be kept separate from the ordinary business of the country. According to the act of 1846, an independent treasury for the reception of revenue and other payments to the government was established; nine branches were located in different sections of the country. All money was receivable to and payable by the government in specie only. The money, in short, was to be hoarded in ten strong boxes, and the United States government put a ban on

banking as far as its own business was concerned. The operations of the subtreasury, our fiscal agent, are rendered more clumsy and unwieldy because of a provision that money cannot be checked on, but currency must be moved from one branch of the subtreasury to another, as needed.

The operations of this big government disturber of business, Honorable Judges, are the same as those of a man doing a gigantic business without using banking methods and practices. Suppose a man does fifty millions of dollars worth of business per month. That much money flows into his coffers. He receives payments for obligations due him daily, weekly and monthly, but pays off his obligations to others quarterly. He does one of the heaviest businesses in his locality, and by the time the end of the quarter is reached, there is felt a currency stringency by his competitors and fellow business men, for a large part of the currency is in the treasury of the man who does not bank. Then the man begins to pay his debts. Now, note that during the stringency there is a real curtailment of discounts, and much inconvenience is suffered by the man's fellow business men. But, suddenly, there is a plethora of money in the market as soon as that fifty million is put into circulation again, and over-speculation is the inevitable result. What would the business men of the community think of such a way of doing business? Why, the man who would not do a banking business would be branded as a fool, and his method of alternately contracting and expanding the currency with reference only to his own business would

be deemed a menace to the private legitimate business of the community.

Yet, gentlemen, the above operations describe exactly what occurs to a greater or less degree in all sections of the country where are located branches of the United States subtreasury. Webster pointed out this defect in the working of the system. He showed that in August, 1848, the New York banks had about six million dollars of specie and the New York subtreasury about a million and a half of specie. But he points out that in September the banks had but four and a half millions of specie, while the subtreasury now had two and a half millions lying idle in its vaults; or, it had absorbed a million dollars in a single month, with the evil consequences of scarcity of money and curtailment of discounts. Is it any wonder that Webster protested against this senseless method of hoarding the government funds, when that hoarding policy must necessarily have militated directly against the business interests of the country in the manner described above? This was at a time when the West was developing, and it is not a bad guess that much of the ill-feeling against the Eastern moneyed men was the result of the government's selfishly managed fiscal system.

If this condition obtained only during the time of Webster, when the new system, reasonably, was but imperfectly developed, there might be some excuse for such a condition. The business of the government in the forties was insignificant as compared with that of today, and the evils of the subtreasury acts against legitimate

business today in the same manner that it did back in the forties. Let us examine the operations of this subtreasury in 1899, a comparatively recent date. We find that in September the balance in the New York subtreasury increased twenty-three millions, and reserves of the banks decreased about fourteen millions, due to subtreasury action. Now, notice, Honorable Judges, this loss was not a single, but a quadruple one. It was a loss of fourteen millions to the general circulation, directly; and by taking that much out of circulation, which might have been a reserve for three times that amount, you have a quadruple, instead of a single loss to the business interests of the country. The most striking example of violent contraction and expansion of subtreasury funds occurred in 1907, very fresh in our minds as the year of one of the most disastrous panics in history. Look at what occurred in the two weeks between the 5th and 19th of July. We see a change from a balance of disbursements over expenses of between \$6,000,000 and \$7,000,000 to an excess of receipts over disbursements in the following week to the extent of nearly \$12,000,000, with an immediate fall through the next week to an excess of disbursements over receipts amounting to more than \$7,000,000. In other words, in July the net loss of the bank reserves through subtreasury action was \$5,000,000, yet the subtreasury itself had a net loss of \$6,500,000. This shows a great increase of the circulation at a time when it was least needed. Doubtless the plethora of money had much to do in promoting the speculation which brought on the panic. During the four weeks in

October of that year the receipts of the subtreasury exceeded the disbursements by a sum increasing from one million to eighteen million dollars. Eighteen million dollars taken from the channels of trade and locked up in the government's strong box, during those panicky times, was calculated to disturb the money market. These figures, besides showing the clumsy operations of the subtreasury system, reflect the great uncertainty of the money market, which, of course, had direct influence upon loans, discounts and business. They show, besides, that no dependence can be put by the banks on the action of the subtreasury. The same sort of irregularity was noticeable at Chicago and at other branches of the subtreasury. In short, with the receipts in the treasury amounting to over fifty million dollars each month, with a policy of hoarding, there is bound to be disturbance in the money market periodically, as this money is paid out and taken in. When it is received it is withdrawn from the channels of trade; when paid out it is allowed to flow back again into the channels of trade. Money so received and disbursed moves without any necessary relation to the fluctuations in demands of private legitimate business for currency.

But it is not only in this respect that the subtreasury is a menace to legitimate business. Treasury officials discovered that these irregular absorptions and disbursements of public funds hurt business, and in their efforts to cure the evil, used a remedy quite as bad as the disease. After the national bank system was founded—which in itself reflected a decided change of front of the govern-

ment from its former attitude toward banks in general—a system of making loan of public funds from the sub-treasury to the banks was adopted. A single official, the Secretary of the Treasury, attempts to discover in what part of the country money is most needed. An act of March 3, 1901, requires the Treasurer “to distribute the deposits, so far as practicable, equitably between different states and sections.” As may be inferred, it is impossible for anyone to determine what is an equitable distribution. What will be an equitable distribution in the sense of affording profits to the depositary banks might be a very vicious distribution from the point of view of the general welfare. Is the government in the business of helping the national banks to make profits, or is it simply attempting to distribute idle money over the country? Let us note how this provision works out. When Cortelyou assumed the portfolio of Secretary of the Treasury, says a writer in the Boston Transcript, “He found himself flooded with applications from the national banks for deposits of public funds. It is a difficult problem to distribute the deposits properly, and the head of the Treasury Department is under constant pressure. If there are two national banks in a town and one gets a deposit of public money, the other, in all probability, enlists the influence of a member of Congress or a Senator to help get a deposit.” The Secretary is obliged to distribute the government moneys arbitrarily and attempt to keep them in circulation; these attempts at equitable distribution, failures as they must be, subject him to constant importunity and adverse criticism. The

Secretary should not be subjected to any such pressure. There is no evident reason why the public money should be thus arbitrarily scattered over the country simply to accommodate the banks which want to increase their profits.

Gentlemen, there are several proposals as substitutes for the Central Bank backed by the government, among them being asset currency. By some of these various schemes it is not doubted that the currency can be expanded, although it is seriously doubted whether it can be as easily contracted. But the great weakness of any substitute plan is that it cannot solve the fiscal problem. So long as the government expands and contracts the currency in the manner it does in carrying out its fiscal operations, there are bound to be periodical financial disturbances known as panics. Any substitute plan will not do away with the present pork-barrel method of distributing funds to the national banks. No change less far-reaching than the establishment of a Central Bank will solve our problem. Why should this nation continue this uneconomic, unscientific and foolish method of doing business? Why not adopt a Central Bank, which in addition to giving us a sound and elastic currency, will carry on the fiscal operations in such a way that they will be an aid instead of a hindrance to the private, legitimate business of the country?

Note the operations of the fiscal systems of Germany and France. There the public money is paid into the Central Bank and its branches, and becomes a part of the government fund. When the money is needed for

government operations the proper officials check on this fund, but the money remains in the banks as a reserve which may be used as a basis of note issue in time of need. The government's business is carried on exactly like that of any business man, without disturbance to the hundreds of private businesses in the country.

Our opponents seek to avoid the establishment of a Central Bank on political grounds. This is no real argument, since the present secretaryship of the treasury is a political plum, much sought after. The Secretary has almost arbitrary power, as we have seen, and since he holds his office by virtue of party power, certainly he is rendered more liable to political control than the administration of our bank would be. According to our plan the board of control would be made up of representatives from all parts of the country, who would naturally be divided in their political affiliations; there is no reason to believe that political considerations would unduly influence their actions. Our opponents will probably cite the fate of the second United States bank as a horrible example of the danger of mixing banking and politics. It is true that the second bank was abolished for political reasons, but the real cause of its downfall was that it entered into open competition with state banks and so incurred their political hostility. Our plan carefully avoids this danger by forbidding the bank to compete for ordinary commercial business, making it strictly a bankers' bank. In this connection we may add that the need of a Central Bank was clearly shown on both the occasions when the charters of the United States banks

were allowed to expire. The first bank was abolished in 1811. Five years later a far stronger Central Bank was established. What was the reason? In the years intervening, the war of 1812 was fought, and the financial problems of the war proved the need of a strong central institution so clearly that the establishment of the second bank was supported by the votes of the very men, who, like Henry Clay, had voted for the abolishment of the first bank. Again, in 1836, short-sighted politicians killed the second bank, and almost immediately the country was plunged into the most disastrous panic in history.

Again, it is said there is the possibility of dangerous monopolistic control of Wall Street. This is really only an attempt at deception on the part of those who oppose the bank. Henry Clews, one of the leading financial authorities of Wall Street, says the danger is not that Wall Street will control the bank, but that the bank will restrain Wall Street. Our plan would eliminate any possibility of Wall Street control. It is absurd to contend that a single director from Wall Street could control the other Central Bank directors. It is still more absurd and ridiculous to say that the bank would be involved in Wall Street speculative transactions. This shows an ignorance of the method of Central Bank note issue. Stocks and bonds can never be made the basis of note issue; short time commercial paper, representing actual commodities, is always required. Wall Street cannot create such paper; it is utterly impossible for it to duplicate a ninety-day bill of exchange, on, say a carload of

flour. Our opponents display their ignorance of world methods when they profess their inability to discriminate between legitimate banking and stock company production, or their inability to safeguard the former.

FIRST AFFIRMATIVE REBUTTAL, JESSE ELDER, '13 OTTAWA UNIVERSITY.

Honorable Judges, Ladies and Gentlemen: The negative have admitted that our bond-secured circulation is wrong in principle, that it is costing our government millions of dollars, and that it fails utterly to meet the demands of legitimate business. Further, they have admitted that our reserve system is entirely inadequate, an hindrance and obstruction to banking business in times of stress. They have made these admissions in order to propose a substitute plan which they claim is similar to the Central Bank system but is not a Central Bank; also they say it is similar to Senator Aldrich's plan, differing only in one small detail. In their anxiety to admit as much as possible of our contention, they have gone so far as to admit my colleague's argument that our fiscal system is clumsy, unwieldy and that it is a most disturbing factor in the business of the country. They have made no provision in their plan, however, for remedying this evil. Our plan is, as we have shown, designed to meet all these needs and to remedy all the defects we have pointed out in the present system. Furthermore, in this passion for admission they have stated that our plan will do what we say it will, adding that theirs will also remedy the situation, but declaring, further, that our plan is not

that of a Central Bank. Our opponents have staked the whole debate upon this point, and we are willing to meet the issue squarely.

Our plan, in their view, is not a Central Bank because it does not deal directly with the people as the German Central Bank does. They maintain that a Central Bank in this country should be a composite of the various features they have discovered in European Central Banks and deem essential. We admit that our plan does not meet in every matter of organization this composite ideal, nor do we see any reason why it should. We have purposely kept our bank from dealing with the people to avoid competition with our present banks. They assert that they have saved their plan from being a Central Bank system by keeping it from doing a general banking business; also, they argue especial merit in escaping the mistake of the Central Bank in that they have not made any provision for capitalization. We have, and maintain that our plan is the more sensible and efficient because of that provision, and moreover, if that is one of the features of a bank we point out that we have it.

They argue further that we may have the functions of a Central Bank in our plan, but we must have the exact organization they presuppose for us before we have a real Central Bank. As they put it, a stool has the functions of a chair but is not a chair. Honorable Judges, because there is a difference in the organization or construction of a rocking chair and a stool chair does not prove that either of them is not a chair. To settle this controversy as to whether we are advocating a bank, a Central Bank,

or something else, allow me to read from page 115 of "Statutes at Large," a governmental definition of a bank:

"Every person, firm or company having a place of business where credits are opened by the deposit or collection of money or currency subject to be paid or remitted upon draft, check or order, or where money is advanced or loaned on stock, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale."

It is evident, then, that our proposed system answers this description of a bank. It receives deposits from other banks and from the government; it issues notes and discounts paper for other banks. Being a central institution designed to unite and organize our banking it becomes not only a bank, but a Central Bank, if you please.

Our opponents have urged that a Central Bank would fall into political and monopolistic control, and have made no provision for keeping their own plan free from such influences. We point out here, Honorable Judges, that we have met this objection in our plan for the control of the bank. Further, they have adopted for their plan several features which are identical with those of our plan for a Central Bank; namely, the issue of short-time notes on negotiable commercial paper, and the control of speculation through the discount rate. They have omitted, however to give it adequate governmental direction and to provide for a fiscal system co-ordinated with the business interests of the nation. We maintain that our plan is superior in this respect; also, that they

cannot win this debate on the central banking plan of currency reform. Having shown that our plan provides for a Central Bank, and that it does meet our needs better than any other plan, we still contend that the welfare of the country demands the establishment of a Central Bank.

SECOND AFFIRMATIVE REBUTTAL, WAYNE E. GILLILAND, '12
OTTAWA UNIVERSITY

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: Our opponents have based practically all of their argument on the assumption that the plan of bank proposed by the affirmative is not that of a Central Bank—an assumption wholly unwarranted and without a foundation of fact. We refer the gentlemen of the negative, and you, Honorable Judges, to this stack of publications of the monetary commission as proof positive that ours is a Central Bank. All writers refer to plans such as we are advocating by the name, "Central Bank," and our plan is such because it has as its basis a centralized banking system, and all of the necessary functions of any Central Bank in Europe.

Now, our opponents have proposed the Aldrich plan of Central Bank—for it is nothing but a Central Bank without the name of Central Bank—as their substitute for our plan of bank. Gentlemen, they produce letters which seem to indicate that many bankers do not regard the Aldrich plan as that of a Central Bank. Who, we ask, is better prepared to define a Central Bank, some small bankers who have not made a thorough study of the question, or the writers for the monetary commission,

whose information the affirmative have had recourse to in preparing this debate? The negative say that Paul M. Warburg does not regard the Aldrich plan as that of a Central Bank. Gentlemen, we have Mr. Warburg's book on the discount system of Europe, in which he plainly indicates that a centralized banking system, with the use of the discount system, constitutes nothing but a Central Bank. Mr. Warburg is to be excused for not writing fully on the matter in a letter, especially since he has so thoroughly covered the proposition in his work on the discount system of Europe. Moreover, the Aldrich plan is popularly regarded as that of a Central Bank. We refer to a dispatch of the Associated Press of the date of January 17, this year, which says: "The Aldrich plan provides for a great Central Bank, without the name, which shall confine its operations to business with banks and the United States government." Since our plan is a Central Bank plan, and since the negative has proposed what is essentially a Central Bank, this is sufficient in itself to prove the proposition of the affirmative. However, we believe that our Central Bank will be a greater bulwark to our fiscal system than the Aldrich plan, and is, therefore, still more desirable.

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THE CENTRAL BANK

OHIO WESLEYAN vs. DENISON UNIVERSITY.

In debate at Granville, Ohio, February, 28, 1911, Denison University, representing the negative, won a unanimous decision over the team from Ohio Wesleyan. The Denison speeches present the usual argument against the bank, and are perhaps better in throwing light on the question than the Emporia negative would have been. (See note on preceding speeches.)

The Ohio schools stated the question differently:

Resolved, that Congress should provide for the establishment of a Central Bank, constitutionality conceded.

Prof. C. E. Goodell of Denison University furnished the following speeches.

THE CENTRAL BANK

OHIO WESLEYAN vs. DENISON UNIVERSITY

FIRST NEGATIVE, H. L. DEIBEL, DENISON

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: Our honorable opponent has acceptably defined the proposition, and we, also, admit that there are faults in our industrial system. He calls them financial evils. But has he made himself perfectly clear? Has the clash in this debate been clearly indicated?

Honorable Judges, may I suggest what the gentlemen of the affirmative must prove in order to establish their side of the proposition? First, they must prove that the evils they mention are inherent in our financial system; second, that the Central Bank will remedy them; third, that it will remedy them better than any other plan.

Not all the evils they discuss are inherent in our financial system. Panics are not. Their fundamental cause is industrial. Charles A. Conant, an unquestioned authority on financial matters, says, that in the early history of economics, crises were attributed to financial agents. But it is admitted now that this is a superficial view. The great cause, according to Conant, is overproduction of goods. James J. Hill, a profound student of economics, says the crisis of 1907 was caused by overcapitalization and speculation. In the Evening Post of

January 21st, last, appears this paragraph: "Panics occur because of fright over men, markets and institutions. And not the strongest Central Bank in the world can guarantee such soundness." Panics are not fundamentally caused by defects in money systems. But we admit that panicky conditions may be aggravated by defects in a money system. We grant that it would be better were our currency more elastic. We grant that inelasticity is a defect and should be remedied. But it devolves upon the gentlemen of the affirmative to show that a Central Bank is absolutely essential to secure elasticity. However, let us recur to this matter in a few moments; then we shall consider whether a Central Bank is necessary for elasticity; and whether every elastic currency system in the world is connected with a Central Bank. In the meantime we shall give attention to another affirmative argument.

Another defect mentioned by my honorable opponent is the hoarding of reserves. We admit it. Reserves are piled up in our bank vaults. But let me ask the gentlemen why this is. When a stringency comes, why are reserves accumulated and locked? It is plain. Bankers fear their cash won't hold out. We grant this is a defect. But the question is whether a Central Bank is necessary to prevent it. The fact is that the Dominion of Canada has no trouble from this source, because banks there can issue money when they need it. Canada has an elastic currency system. Because they can issue money when they need it, they do not fear exhausted reserves. We must hoard reserves because our money is not elastic. If,

therefore, we can solve the problem of elasticity, we have the problem of reserves likewise solved. Elastic currency will solve the reserve problem. Now the question is whether a Central Bank is the only means to elasticity. If so, if the gentlemen from Ohio Wesleyan were able to show conclusively that a Central Bank were essential—that there is no other efficient system—my colleagues and myself would be inclined to forfeit the debate to the gentlemen in spite of all the flagrant dangers which a Central Bank entails. Here is the clash in this debate. This is the one paramount issue in this discussion. It devolves upon our honorable opponents to prove that we cannot have elastic currency without a Central Bank. May I simply remark before taking up the constructive argument that England, the greatest commercial factor in the world, has, it is true, a Central Bank, but not elastic currency. The very thing our opponents are obliged to contend for, elastic currency, England does not have, although she has a Central Bank. On the other hand, the Dominion of Canada has elasticity, but no Central Bank. So at the outset we see that elasticity does not depend on central banking institutions. I will, however, leave it to one of my colleagues to explain how we may have elastic currency without the institution for which my opponents contend. What is needed is elasticity without the dangers of one bank, for our opponents know as well as we that it is not to be tolerated except as a last resort.

Honorable Judges, we oppose the Central Bank for four main reasons: (1) It is impracticable in the

United States; (2) it is contrary to the genius of our institutions; (3) it is dangerously radical; (4) it is a positive menace.

You will observe that the proposition reads thus: Congress shall provide for the establishment of a Central Bank. The situation is this: Congress can either provide for a bank or not provide for one. Of course, if it does, the bank must have the endorsement of the American people before it can operate. If the negative can show that public sentiment is hostile to it, that the people will not endorse it, the absurdity of the affirmative position is apparent. And what they contend for is impracticable.

Unbiased magazine articles admit the country's disapproval. To quote from the *Financial World* of New York, "There is no doubt that the West opposes the idea of centralizing the finances of the whole country into one institution. Opinion in the East is divided." This is a conservative financial journal of New York and is entitled to unreserved consideration. Honorable Judges, the popular will must decide. To argue otherwise is folly.

Senator Aldrich's position also reflects the nation's attitude. His new plan, that of the central reserve association, is only a Central Bank in disguise. No doubt that he is a Central Bank man; there is no more doubt about that fact than there is about his being a protectionist. In an address before the Economic Club in New York City, on November 29, 1909, he praises the Central Banks of Europe. But he knows well enough that the American

public, sane and wise as it is, will not endorse a Central Banking institution. The reasons for this opposition will be given in the course of the argument. The Central Bank is impracticable in the United States.

Honorable Judges, we need go no further. To show the impracticability of something entirely obviates the necessity of discussing it further. But will you allow us to go on? Let us consider the principles that are involved.

It is contrary to the genius of American institutions. Democracy permeates everything in America. This is an old theme. I know that the political spell-binder and the Fourth of July orator rant on this subject. But it has profound significance. We cannot prize it too much.

We shall look at the system in question, first, from the standpoint of the banks themselves. Do you know that three-fifths of our banks would fall victims before the Central Bank? In 1828, when the Second Bank of the United States was in operation, not a single bank remained in the three states of Kentucky, Alabama and Mississippi. Not one. They had all been crushed out by the big banking monopoly.

Furthermore, independent banks throughout the country will be interfered with. These are now serving the people as best they know how. We must have local control of local interests. One bank cannot be conversant with all the needs. Francis B. Reeves, president of the Girard National Bank of Philadelphia, opposes the Central Bank for this reason. He says that the interests of the people in different sections are too diverse. Industry is too varied. If this country were no larger

than England, covering 58,000 square miles, about as large as the single state of Illinois, if we were England, interested only in manufacture, perhaps the Central Bank might do. If the United States were no larger than the German Empire, the area of which is 208,000 square miles, about four-fifths as large as Texas, we might not oppose the Central Bank so strenuously. If this country were no larger than all of France, with an area of 207,000 square miles, which, when stretched along the Pacific coast, would little more than cover the state of California, then a Central Bank might do. But here is a vast stretch of land with an area of 3,000,000 square miles, with the people interested in an infinite variety of occupations and industries. There is no land like it on the globe. There is but one bearing any resemblance at all, and that is the Dominion of Canada, which has no Central Bank, but which has one of the most efficient banking systems in the world. If there is one land bearing any resemblance to this country at all, it is our neighbor on the north, whose banking system is one of the best, but which is no Central Banking system. If the United States were not the United States we might try a Central Bank. Local control of local interests is necessary here.

Moreover, the Central Bank means tyranny. California wants to market her orange crop. A call is made for money. The Central Bank can respond or not respond. If it sends money at every call, the big bank itself will soon be bankrupt, the whole banking business utterly demoralized. On the other hand, if the money is refused,

the community may suffer dire need. The fact is, one institution cannot meet the financial needs of the country. It cannot know the needs. No, let the independent bank, which knows, manage the affairs over which it has legitimate and intelligent control.

Honorable Judges, before I leave the floor I should like to ask the gentlemen whether the bank they advocate is to be a bank of issue.

I have undertaken to show that the proposition resolves itself into this: Is a Central Bank essential to elasticity? Here is the clash in this debate. In the next place, *the Central Bank is impracticable* in the United States, because public sentiment opposes it. *It is contrary to the genius of our institutions* for it crushes out weaker local banks, and, violating the principle of local control of local interests, it results in tyranny on the one hand, and in inefficiency on the other. These are two of the main reasons why we uphold the negative of this proposition.

SECOND NEGATIVE, R. B. STEVENS, DENISON.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: My colleague has proved to you that the Central Bank is impracticable and contrary to the genius of American institutions. I shall attempt to prove to you that it is dangerously radical and a positive menace.

The fundamental principles of our system are correct. This, Honorable Judges, is not a mere contention, but it is a substantial fact backed by the industrial and financial history of our country. Let us examine it. For fifty

years we have had practically our present currency system, and in the last twenty years the banking power of our country has increased 246 per cent, while the average increase of all other nations was but 149 per cent. We are acquiring wealth almost twice as fast as all the rest of the world. The banking power of the United States is \$18,000,000,000, as against \$27,000,000,000 for all the other nations of the world. In other words, two-thirds of the world's banking power belongs to us. Does it seem to you, Honorable Judges, that any nation whose currency system is fundamentally wrong could have made the industrial and financial strides that our nation has made? We believe that these facts show that our currency system is essentially correct. Therefore, we contend that the fundamental principles of our system should not be discarded but should be retained, and any departure from these fundamentals is dangerously radical. Hence, we contend that the Central Bank is dangerously radical as would be evidenced, first, by a lack of popular confidence, and, second, by a disruption of our present banking operations.

The Central Bank would prostrate popular confidence. And what of it? Without confidence notes wouldn't circulate at par, enormous reserves would have to be held for depositors in panicky times; in fact, the people would have nothing to do with it; the bank couldn't get money to do business; it couldn't exist. We know that the Central Bank is trusted in Europe, and we also know why; namely, because it has there been a gradual growth. It is a matter of history that those banks have been matur-

ing for from thirty-five to over a hundred years. As the countries have grown they have been shaped to meet the countries' needs. Is there any reason, then, why those banks should not be trusted? But, Honorable Judges, need I mention what a commotion would be precipitated by the dumping of any completed system, whatsoever, into any country? You know that any economic change must be a growth. How much less then could the Central Bank be introduced into the United States, where it is positively contrary to the genius of American institutions and out of harmony with all our traditions?

Again, the Central Bank would throw our banking operations into confusion. In fact, the Central Banks of Europe were not established in times of quiet but in times of either political or commercial chaos. Here it would directly antagonize 17,000 state banks and cause a general upheaval of our entire National bank system. The right of note issue would be taken away from them and the right of the issue of United States bonds. The value of bonds would fall from 15 to 20 per cent immediately, and thus the banks which had purchased them would lose about one hundred and fifty millions. These banks, then, would be compelled to lose this amount in the fall of bonds which they have been compelled to buy for their note issue. Moreover, the drop in the price of United States bonds would depreciate their value and thereby affect the credit of the government, both at home and abroad.

In the second place, the Central Bank would be a positive menace, because, first, it would fall into political

disrepute, and, second, some particular interest would control.

A monetary question in the United States must be a political question. Therefore, to be introduced into this country the Central Bank must be championed by some political party and fall into political disrepute as did the Second Bank of the United States, which filled its offices with members of the party then in power, advanced salaries and loans to congressmen in one season to the amount of \$400,000 to secure their good will, subsidized the press, used \$58,000 to defeat Jackson. Such was our experience with a centralized banking system even though under the presidency of a supposedly honest man at a time when finance was simple compared with that of our own day.

At this point, I would ask our honorable opponents to tell us what kind of a charter they would give to this Central Bank they propose. Will it be a short-time charter? If so, the bank will always be involved in political corruption as has been the tariff system. Or a long-time charter? Then there will be no chance for improvement. Again, will it be a charter with general provisions? If so, the bank will do as it pleases; will serve itself, not the people. Or will it be a charter with specific rights? Then, again, the bank cannot adapt itself to the changing conditions.

Some one interest will control at the expense of others. My colleague has shown that no one bank can serve equally all sections of the United States. It must therefore, serve some particular part and slight the

others. This may come about because some section is better represented in the board of directors themselves. The Central Bank is a financial undertaking, and, therefore, capital must have a considerable portion of the management. Then, some section where there is much capital would surely exercise an undue influence, as would, for example, New York City. Do you know that an area about New York City and in sympathy with it, equal to only 5.5 per cent of the area of this country, contains more National bank capital than all the rest of this great nation? Now, do we want the policy of the whole country governed by that small part of it? A Central Bank will accomplish just that very thing.

Or some private money interest will control. The main object of a great corporation is monopoly, and nothing could be more useful to it than a money monopoly. All big money interests are affiliated with a number of strong banks, even now, when there is no chance for a financial combine. The united action of any considerable portion of National bank capital, as for instance, that about New York City, would control the whole Central Bank, and if an opportunity for this united action were offered, these corporate powers would bend all their energies toward that end and in a short time would attain it. Now, the banks themselves elect the directors of the Central Bank. Hence, should a corporation practically control the action of a number of banks, it is very apparent that that power would control directly the election of the very men who are to manage the Central Bank. And, if you seek to avoid this by putting the main con-

trol into the hands of the government, then, whereas a trust now has to control all Congress, then it would have to control only the few officers of the bank. The main point, therefore, in this question of monopolistic control is not whether a great money power *could* control; that is apparent; but whether or not there are money powers in the United States *large* enough to control. This also needs no proof. My honorable opponents have very ably shown that such great powers do exist in New York and that they are even threatening control of our present disjointed system. How much better and easier, then, could they control the actions of a centralized institution? In the face of these facts is there any reasonable doubt that such powers would control the Central Bank? Can you, in any flight of your fancy, imagine the strength of such a colossal tool for privileges, as this Central Bank would thus be, having in its control one-fourth of the world's wealth and two-thirds of its banking power? Even the bankers themselves are afraid of the system for this very reason. Many of them in the East and nearly all in the West, as my colleague has said, are even disapproving of Mr. Aldrich's plan, though he has so adroitly called it the plan of the "reserve association of America" to avoid just such suspicion.

The Central Bank would become the master, not the servant of business, and with its great resources could dominate the various markets until it would become a positive menace to the people, the money market and the business and financial worlds.

I have shown you, Honorable Judges, that the Central

Bank is dangerously radical because it represents a departure from the fundamentals of our banking system, which are correct, and that this radicalism is evidenced by lack of popular confidence and disruption of our banking operations; and, second, that it is a positive menace, for it would fall into political disrepute and would be controlled by some particular interest.

THIRD NEGATIVE, H. C. GILLESPIE, DENISON

Mr. President, Honorable Judges, Ladies and Gentlemen: The first speaker for the negative has shown that a Central Bank is impracticable and contrary to the genius of American institutions. The second speaker has shown that a Central Bank is dangerously radical and is a positive menace. I shall now attempt to show you that there is a better means of remedying the evils of our present currency system.

We have admitted that there are certain definite evils in our present system. The proposition that now confronts us is, how may these evils best be remedied?

Any system of currency that meets the needs of the people must have three fundamental elements. First, it must be safe. Second, its currency must be elastic; and, in the third place, it must have the confidence of the people. The Central Bank does not have these elements. The second speaker for the negative has shown that it would not be safe, inasmuch as it could not be kept free from political corruption, and free from control by the moneyed interests of the country. Furthermore, the

Central Bank lacks the second essential element, for we contend that the gentlemen of the affirmative have not clearly proved that it would guarantee an elastic currency. We know that Germany, France and some other countries have Central Banks and have elastic currency; we also know that England has a Central Bank but does not have an elastic currency. Further, we know that Canada does not have a Central Bank but does have an elastic currency. These facts, Honorable Judges, make it evident that a Central Bank may accompany either an elastic or an inelastic currency; and where it does accompany an elastic currency, it can by no process of logic be argued to be its cause. The gentlemen of the affirmative have mistaken an accompanying phenomenon for a casual phenomenon.

Now, Honorable Judges, we might even grant that the Central Bank would be safe and that it would furnish an elastic currency and still prove to you that it would be a failure in this country, because it lacks the third essential—the confidence and support of the people. Oh, yes, we know that the gentlemen of the affirmative tell us that the people would have confidence in a Central Bank, but we ask you what we have in the history of our country to inspire confidence in a Central Bank? We have nothing, Honorable Judges, except the failure of two such institutions and these lie buried beneath the ruins of the greatest panic this country has ever seen; yet the gentlemen from Delaware would go down into those ruins tonight, and drag up from there a Central Bank and tell us that the people would have confidence in it.

Confidence? NO. That most valuable asset of any bank, the Central Bank does not have.

My colleague has shown you that the clash in this debate is on the question of elasticity, and our opponents have admitted it. Furthermore, they have defied us to propose a plan that would give elasticity without the Central Bank. We do not feel that it is our task to propose any plan, but since the gentlemen have defied us to do so, and since they have admitted that the clash is on the question of elasticity, if we can show you any plan that will give us elasticity without the Central Bank, we have established our proposition. Now we might propose any one of several plans. We might advocate the Canadian plan if we chose to do so. Canada has elasticity and no Central Bank. But we wish to offer you the plan suggested by the late Charles H. Treat.

Now the plan we propose not only has the confidence of the people, but it has the other essentials of a satisfactory currency system—safety and elasticity. By this plan the primary evil of our present system, inelasticity, may be remedied in the following simple manner: The National Banking Act should be so amended that any national bank having not less than 50 per cent of its capital invested in United States bonds may issue national emergency or supplemental currency not exceeding the remainder of its capital. Currency so issued should be identical in form with our present national bank notes. To make the Treasury Department secure against this issue, let the United States Treasurer accept state and municipal bonds at about 70 per cent of their face value.

The next step is to provide for the retirement of this supplemental issue when it is no longer needed. This may be done by requiring the bank getting such an issue of currency to give its collateral note, due in three, four or six months; and if not paid when due the bank should be penalized in the sum of 2 per cent per month until the note is paid. The note will be paid when due, for no bank can afford to pay 2 per cent per month for money, and when it is paid just exactly as much currency as was issued goes out of circulation. Briefly, this plan permits any solvent bank feeling the need of funds in times of stringency to expand its volume of money to meet its needs. The plan is simple and provides for all that the affirmative asks—a currency that automatically expands to meet the needs of trade, and contracts when those needs have been met.

Our opponents have told you that our legal bank reserves are useless. Now, Honorable Judges, we contend that our legal bank reserves are not useless but that they are performing the function for which they were created. Notice, if you please, these legal reserves were never created for monetary purposes. They were never intended to be used as a circulating fund by the bank. They were intended to insure depositors against loss in case of bank failure. This they have done, as the history of banking shows. The loss to depositors in National banks has averaged for the last forty years only .08 of one per cent. Moreover, with an elastic currency, such as our plan provides, no safe and solvent banker need have occasion to use nor should he be permitted to use

the only fund he holds as a guarantee to his depositors. Therefore, we contend that no change should be made with reference to our legal reserve because they are performing their true function.

The affirmative contends that the hoarding of money in the United States Treasury is a financial menace. This we do not deny, but what we do deny is that a Central Bank is needed to remedy this evil. All that is needed to make this surplus fund available for banking purposes is a further development of our present system of distributing government funds among the banks. At the present there are more than 1,300 National banks used as government depositories. We believe that all surplus funds above a reasonable balance should be distributed with such banks as afford security and are available. A committee of officials could determine what banks are to be so used. If these funds were in the hands of a Central Bank it could have no more right than a committee to determine where they are to be deposited. If a committee can do it in one case, a committee can in the other. The gentlemen of the affirmative have demanded that this fund be made available for banking purposes. Does not our plan meet their demand? Most certainly it does.

In conclusion, we have seen that a Central Bank is impracticable and contrary to the genius of American institutions. We have further seen that it is dangerously radical and that it is a positive menace, and, finally, we have seen that there is a better system available. It is a system that has the confidence of the people—that

provides for elasticity and at the same time remedies the evils of our present system. Therefore, Honorable Judges, we contend that Congress should not provide for the establishment of a Central Bank.

THE CENTRAL BANK.

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APPENDIXES

Containing Statistics on Debating Among American Colleges and Universities for the School Year 1910-11, with Partial Records of Previous Years, Also a List of General References on Debating.

Compiled by the editor from reports from about one hundred and fifty colleges and universities.

APPENDIX I

LIST OF DEBATING ORGANIZATIONS BY STATES

ALABAMA

TRIANGULAR

Talladega College, Talladega; Atlanta Baptist College, Atlanta, Ga.;
Knoxville College, Knoxville, Tenn.
Agreement indefinite.

ARKANSAS

DUAL DEBATE

Hendrix College, Conway; Millsaps College, Jackson, Miss.

PENTAGONAL

University of Arkansas, Fayetteville; University of Louisiana, Baton Rouge; University of Mississippi, Oxford; University of Tennessee, Knoxville, Tenn.; University of Texas, Austin.
Agreement indefinite.

CALIFORNIA

TRIANGULAR

Leland Stanford Jr. University, Palo Alto; University of Oregon, Eugene; University of Washington, Seattle.
Agreement indefinite. League called "Pacific Coast Debating League."

Occidental College, Los Angeles; Pomona College, Cleremont, Cal.;
University of Southern California, Los Angeles.
Agreement permanent.

COLORADO

TRIANGULAR

University of Colorado, Boulder; University of Kansas, Lawrence;
University of Oklahoma, Norman
Agreement indefinite.

University of Colorado, Boulder; University of Missouri, Columbia;
University of Texas, Austin.
Agreement indefinite. First year of arrangement 1913.

DISTRICT OF COLUMBIA

DUAL DEBATE

George Washington University, Washington; Washington and Lee,
Lexington, Va.
Agreement for 1912.

GEORGIA

PENTAGONAL LEAGUE

University of Georgia, Athens; Tulane University, New Orleans, La.;
University of North Carolina, Chapel Hill; University of Virginia,
Charlottesville; Vanderbilt University, Nashville, Tenn.

ILLINOIS

TRIANGULAR

Augustana College, Rock Island; Northwestern College, Naperville,
Ill.; Carroll College, Waukesha, Wis.
First year of agreement 1910.

Illinois Wesleyan University, Bloomington; Milliken University,
Decatur, Ill.; Eureka College, Eureka, Ill.
First year of agreement — Illinois College withdrawing from former
Triangular.

Northwestern University, Evanston, Ill.; University of Chicago, Ill.;
University of Michigan.
Agreement indefinite. Called "Central Debating League."

University of Illinois, Urbana; University of Indiana, Bloomington;
Ohio State University, Columbus.
Agreement indefinite. Called "State University Debating League."

PENTAGONAL LEAGUE

University of Illinois, Urbana; University of Iowa, Iowa City; University of Nebraska, Lincoln; University of Minnesota, Minneapolis; University of Wisconsin, Madison.

Agreement indefinite. Called "Central Debating Circuit."

INDIANA

DUAL DEBATE

De Pauw University, Greencastle; University of Indiana, Bloomington, Ind.

Agreement indefinite. (Formed when Wabash left the Triangular.)

TRIANGULAR

University of Indiana, Bloomington. (See Illinois University.)
University of Indiana, Bloomington; University of Notre Dame, Notre Dame, Ind.; Wabash College, Crawfordsville, Ind.

Agreement indefinite. 1912 first year.

State Normal School, Terre Haute; Normal University, Normal, Ill.
Oshkosh Normal, Oshkosh, Wis.

Agreement indefinite.

IOWA

TRIANGULAR

Coe College, Cedar Rapids; Iowa State Teachers' College, Cedar Falls; Morningside College, Sioux City.

First year of agreement 1913.

Cornell College, Mt. Vernon; Knox College, Galesburg, Ill.; Beloit College, Beloit, Wis.

Agreement indefinite. First year 1912.

Des Moines College, Des Moines; Iowa Wesleyan, Mt. Pleasant; Upper Iowa College, Fayette.

Agreement for 1912.

Drake University, Des Moines; Iowa State College, Ames; Grinnell College, Grinnell.

Agreement indefinite. 1913 is the eighth year.

Leander Clark College, Toledo; Parsons College, Fairfield; Penn College, Oskaloosa.

Agreement for two years. _____

Morningside College, Sioux City; Nebraska Wesleyan, Lincoln; South Dakota Wesleyan, Mitchell.

Agreement completed, and Triangular disbanded 1913.

DUAL DEBATE

Morningside College, Sioux City; Iowa State Teachers' College, Cedar Falls.

Arrangement for Triangular 1913. (See Coe College above.)

TRIANGULAR

Simpson College, Indianola; Upper Iowa, Fayette; Iowa Wesleyan, Mt. Pleasant.

Agreement made for 1913. _____

University of Iowa, Iowa City. (See University of Illinois.)

KANSAS

DUAL DEBATE

Kansas State Agricultural College, Manhattan; Fairmount College, Wichita. Second Dual 1912 with Oklahoma A. & M. C., Stillwater.

Agreement for two years.

TRIANGULAR

Kansas State Agricultural College, Manhattan; Colorado Agricultural College, Ft. Collins; Oklahoma A. & M. C., Stillwater.

Agreement for 1913. _____

Kansas University, Lawrence. (See University of Colorado.)

Ottawa University, Ottawa; College of Emporia, Emporia; Southwestern College, Winfield, Kan.

Agreement for two years _____

LOUISIANA

PENTAGONAL

Louisiana State University, Baton Rouge. (See University of Arkansas.)
Tulane University, New Orleans. (See University of Georgia.)

MAINE.

TRIANGULAR.

Bowdoin College, Brunswick, Me.; New York University, New York City; Wesleyan University, Middletown, Conn.

MARYLAND.

DUAL DEBATE.

Johns Hopkins University, Baltimore; College of the City of New York, N. Y.

Agreement for 1912.

TRIANGULAR.

Johns Hopkins University, Baltimore; University of Virginia, Charlottesville; University of North Carolina, Chapel Hill.

Agreement for 1913.

MASSACHUSETTS

TRIANGULAR.

Amherst College, Amherst, Mass.; Williams College, Williamstown, Mass.; Wesleyan College, Middletown, Conn.

Agreement indefinite.

Harvard University, Cambridge, Mass.; Yale University, New Haven, Conn.; Princeton University, Princeton, N. J.

Agreement indefinite.

Williams College, Williamstown; Brown University, Providence, R. I.; Dartmouth College, Hanover, N. H.

Agreement indefinite.

MICHIGAN.

TRIANGULAR.

Alma College, Alma; Hope College, Holland; Olivet College, Olivet.

Agreement indefinite.
Second Triangular with Michigan Agricultural College, Lansing; Ypsilanti Normal, Ypsilanti; Mich.

Agreement began 1912.

Kalamazoo College, Kalamazoo; Olivet College, Olivet, Mich.; Hillsdale College; Hillsdale, Mich.

Agreement indefinite.

University of Michigan, Ann Arbor. (See Northwestern University, Ill.)

MINNESOTA.

TRIANGULAR.

Carleton College, Northfield, Minn.; Ripon College, Ripon, Wis.; Coe College, Cedar Rapids, Iowa.

Agreement completed 1912. Disbanded.

Carleton College, Northfield; Ripon College, Ripon, Wis.; South Dakota Wesleyan, Mitchell, So. Dak.

Agreement for 1913.

Hamline University, St. Paul, Minn.; St. Olaf College, Northfield, Minn.; Macalaster College, St. Paul, Minn.

Agreement for 1913.

PENTAGONAL.

University of Minnesota, Minneapolis. (See Illinois University.)

MISSISSIPPI.

DUAL DEBATE

Millsaps College, Jackson. (See Hendrix College, Ark.)

PENTAGONAL.

University of Mississippi, Oxford, Miss. (See University of Arkansas.)

MISSOURI.

TRIANGULAR.

Missouri Valley College, Marshall; Central College, Fayette, Mo.; Westminster College, Fulton, Mo.

Agreement expires 1913.

University of Missouri, Columbia, Mo. (See University of Colorado.)

NEBRASKA

TRIANGULAR.

Cotner College, Bethany; Doane College, Crete, Neb.; Bellevue College, Bellevue, Neb;
Agreement indefinite.

Kearney State Normal, Kearney; Peru State Normal, Peru, Neb.;
Wayne State Normal, Wayne, Neb.
Agreement indefinite. 1912 first year.

University of Nebraska, Lincoln. (See University of Illinois.)

NEW HAMPSHIRE

TRIANGULAR.

Dartmouth College, Hanover, N. H. (See Williams College, Mass.)

NEW JERSEY.

TRIANGULAR.

Princeton University, Princeton. (See Harvard University, Mass.)
Also a Freshman Triangular with Harvard and Yale.

NEW YORK.

TRIANGULAR.

Colgate University, Hamilton; Hamilton College, Clinton, N. Y.;
Union University, Schenectady, N. Y.
Agreement expires 1913.

Cornell University, Ithaca; Columbia University, New York City;
Pennsylvania University, Philadelphia, Pa.
Agreement indefinite. Triangular arrangement dates from 1904.

NORTH CAROLINA.

PENTAGONAL

University of North Carolina, Chapel Hill. (See University of Georgia.)

TRIANGULAR.

University of North Carolina, Chapel Hill. (See Johns Hopkins University, Md.)

NORTH DAKOTA.

TRIANGULAR.

Fargo College, Fargo; Macalester College, St. Paul, Minn.; St. Olaf College, Northfield, Minn.

Agreement completed 1912. Disbanded.

Fargo College, Fargo; University of North Dakota, Grand Forks; University of Manitoba, Manitoba, Can.

OHIO

DUAL DEBATE.

Muskingum College, New Concord; Mt. Union College, Alliance, O.
Dual agreement occasioned by Hiram dropping out of Triangular.

TRIANGULAR.

Muskingum College, New Concord; Mt. Union College, Alliance, O.;
Geneva College, Beaver Falls, Pa.

Agreement for 1913.

Ohio University, Athens, O.; Otterbein College, Westerville, O.; Wittenberg College, Springfield, O.

Agreement for three years. Expires 1913.

Second Triangular — Girls — Muskingum College, New Concord, O.;
Otterbein University, Waterville, O.

Ohio Wesleyan University, Delaware, O.; Oberlin College, Oberlin, O.; Western Reserve, Cleveland, O.

Agreement indefinite. 1913 is the fifteenth year.

University of Ohio, Columbus. (See Illinois University.)

Wooster, University of, Wooster, O.; Allegheny College, Meadville, Pa.;
University of Pittsburg, Pittsburg, Pa.

Agreement for three years. Expires 1913.

OKLAHOMA.

TRIANGULAR.

University of Oklahoma, Norman. (See University of Colorado.)

Oklahoma A. & M. C., Stillwater. (See Kansas Agricultural College.)

OREGON.

QUADRANGULAR.

Albany College, Albany; McMinneville College, McMinneville, Ore.;
Pacific College, Forest Grove, Ore.; Williamette University, Salem,
Ore.

Agreement for one year.(?) _____

University of Oregon, Eugene. (See Leland Stanford, Cal.)

PENNSYLVANIA.

TRIANGULAR.

Allegheny College, Meadville. (See Wooster, Ohio.)

DUAL DEBATE.

Bucknell University, Lewisburg; Pennsylvania College, Gettysburg.
Agreement for four years. 1912 first year.(?)

QUADRANGULAR.

Dickinson College, Carlisle; Franklin and Marshall College, Lancaster,
Pa.; Pennsylvania State College, State College, Pa.; Swarthmore,
College, Swarthmore, Pa.

Agreement indefinite.

TRIANGULAR.

Pittsburg, University of, Pittsburg. (See Wooster, Ohio.)

University of Pennsylvania, Philadelphia. (See Cornell, N. Y.)

Westminster College, New Wilmington, Pa.; Grove City College, Grove
City, Pa.; West Virginia Wesleyan, Buckhannon, W. Va.

Agreement for 1913.

RHODE ISLAND.

TRIANGULAR.

Brown University, Providence. (See Williams College, Mass.)

SOUTH DAKOTA.

TRIANGULAR.

Dakota Wesleyan University, Mitchell. (See Carleton College, Minn.)
Second Triangular — Disbanded 1912. With Morningside College,
Sioux City, Ia.; Nebraska Wesleyan, Lincoln, Neb.

TENNESSEE.

TRIANGULAR.

Knoxville College, Knoxville. (See Talladega, Alabama.)

PENTAGONAL.

University of Tennessee, Knoxville. (See University of Arkansas.)

Vanderbilt University, Nashville. (See Georgia University.) (Vanderbilt reports Virginia and North Carolina out of the league, Alabama and some other school to take their places in 1913.)

TEXAS.

TRIANGULAR.

University of Texas, Austin. (See University of Colorado.)

PENTAGONAL.

University of Texas, Austin. (See University of Arkansas.)

VIRGINIA.

TRIANGULAR.

Randolph-Macon College, Ashland; Richmond College, Richmond, Va.;
William and Mary College, Williamsburg, Va.
Agreement for 1912. Will probably be renewed.

University of Virginia, Charlottesville. (See J. Hopkins, Md.)

PENTAGONAL.

University of Virginia, Charlottesville. (See University of Georgia and Vanderbilt, Tenn.)

WASHINGTON.

TRIANGULAR.

University of Washington, Seattle. (See Leland Stanford, Cal.)
University of Washington, Seattle; Washington State College, Pullman;
Whitman College, Walla Walla.
Agreement for three years.

Whitman College, Walla Walla; Girls triangular with Washington State
College, Pullman, and Washington University, Seattle.
Agreement indefinite.

WEST VIRGINIA.

TRIANGULAR.

West Virginia Wesleyan, Buckhannon. (See Westminster College, Pa.)

WISCONSIN.

TRIANGULAR.

Beloit College, Beloit, Wis. (See Cornell, Ia.)

Carroll College, Waukesha. (See Augustana College, Ill.)

Lawrence College, Appleton, Wis.; Beloit College, Beloit.; Ripon College,
Ripon. Freshman Triangular. 1913 first year.

Ripon College, Ripon. (See Carleton College, Minn.)

APPENDIX II

List of Schools Engaged in Forensic Work, with Names of Coaches, Managers of Debating, Questions for Debate, Records of Decisions, etc., Arranged Alphabetically by States.

ALABAMA.

- Southern University.** Greensboro. Methodist Episcopal South. Mr. D. C. Christenberry, Coach. 1910-11. No report 1911-12.
- Spring Hill College.** Mobile. R. Catholic. Rev. E. I. Fazakuly, Coach. Mr. Frank Prohaska, Deb. Mgr. Record 1912.
- Lost to Jesuits College Affirmative,** New Orleans, La. April 5th. Two men on team, chosen by coach. Question — Resolved, That United States Senators should be elected by direct vote of the people.
- Talladega College.** Talladega. Congregational. William Pickens Coach and Manager. Debaters chosen by Committee of Judges. Record 1912.
- Triangular — Atlanta Baptist College,** Atlanta, Ga., and Knoxville College, Knoxville, Tenn. Two men teams. Question — Resolved, That United States Senators should be elected by direct popular vote, constitutionality conceded. Decision — Talladega won on the Affirmative at home and lost on the Negative at Atlanta. Knoxville Affirmative won from Atlanta.
- University of Alabama.** Tuscaloosa. Non-Sectarian. (See University of the South, Tenn., Alabama joins the Georgia, Tulane, Vanderbilt Pentangular for 1913.)

ARKANSAS.

- Arkansas University.** Fayetteville. Non-Sectarian. In Pentangular league with Louisiana, Mississippi, Tennessee, and Texas. Record 1912. Debated Mississippi and Texas. No report of

first debate. Lost to Texas. Question — Resolved, That the Federal Government should adopt a Progressive Income Tax.

Hendrix College. Conway. Methodist Episcopal. Prof. C. J. Greene, Coach. Hutchinson Steele, Deb. Mgr. Record 1912.

Annual debate with Millsaps College, Jackson, Miss. Two men team. Chosen by Literary Societies. Hendrix Negative won. Question — Resolved, That the Initiative and Referendum is a valuable addition to the Legislative Systems of the different states.

Second debate — Held at Jackson, April, 1912. Hendrix Affirmative won. Two men team. Question — Resolved, That the Monroe Doctrine should be continued as a permanent part of our foreign policy.

CALIFORNIA.

Leland Stanford University. Palo Alto. Non-Sectarian. No Coach. Edgar C. Smith, Deb. Mgr. Primary System. Record 1912.

Annual debate — University of California, Berkeley, 2 to 1 decision for University of California. 19th year of series. Question — Resolved, That judges should be exempt from Recall. Leland Stanford had the Negative.

Triangular — University of Oregon and University of Washington. Number of men on teams, two. Stanford Negative won from Oregon, the Affirmative lost to Washington. Washington Affirmative won from Oregon. Question — Resolved, That judges should be subject to popular Recall, waiving the constitutionality of the question.

Occidental College. Los Angeles. Non-Sectarian. Prof. J. P. Odell, Coach. John T. Bickford, Deb. Mgr. Primary System. Record 1912.

Triangular — University of Southern California and Pomona College. Occidental Affirmative won from Southern California and Negative lost to Pomona. Pomona won from U. S. C. also on Affirmative. Question — Resolved, That the Sherman Anti-Trust Law should be repealed.

Annual debate — Redlands University, Redlands, Cal. Redlands Negative won. Two men team. Question — Resolved, That the United States Government should allow the development of the natural resources of Alaska by means of the leasing system.

Pomona College. Cleremont. Non-Sectarian. Harold R. Bruce, Coach. Paul A. Davies, Smiley Hall, Deb. Mgr. Debaters chosen by primaries in literary societies. Record 1912. (See Occidental, p. 402.)

University of Redlands. Redlands. Baptist. (See Occidental, p. 402.)

University of California. Berkeley. Non-Sectarian. No report. (See Leland Stanford, p. 402.)

University of Southern California. Los Angeles. Methodist Episcopal. No report. (See Occidental, p. 402.)

COLORADO.

Colorado College. Colorado Springs. Non-Sectarian. J. W. Park, Coach. H. A. Burnett, Deb. Mgr. Primary System. Record 1912.

Annual debate—Denver University. Colorado College Negative won. Question—Resolved, That the principle of the Recall should be extended to the state judiciary.

University of Colorado. Boulder. Non-Sectarian. John Gutknecht, Coach. 1405 Twelfth St. Primary System. Record for 1912.

Annual Debate—Utah University. Colorado won. The Recall of Judges, question.

Annual debate—University of Missouri. Colorado Negative won. Two on team. Question—Resolved, That the Recall should be applied to the state judiciary.

Triangular—Kansas University and Oklahoma University. Two on team. Colorado Affirmative lost to Oklahoma and Negative won from Kansas. Question—Resolved, That the Recall should be applied to the state judiciary.

University of Denver. Denver. Methodist Episcopal. No Coach. R. D. Chittenden, Deb. Mgr. S. A. E. House, University Park. Primary System. Record for 1912.

Annual debate—Colorado College. (See Colorado College above.)

Annual debate—University of Utah, Salt Lake City. Denver Negative won 2 to 1. Two men on team. Question—Resolved, That the Recall should be applied to the state judiciary.

Annual debate — South Dakota University, Vermillion. South Dakota Affirmative won. Question — Recall — as stated on p. 503.

CONNECTICUT.

Trinity College. Hartford. Non-Sectarian. (Expect to begin Intercollegiate debating 1913-14.)

Wesleyan University. Middletown. Non-Sectarian. Debates Williams College and Dartmouth in Triangular. No report 1912.

Yale University. New Haven. Non-Sectarian. Debates Harvard and Princeton Universities in Triangular — also Freshman Triangular. Record 1912. Yale Affirmative lost to Princeton and Negative won from Harvard at New Haven. Yale Freshmen lost to Princeton. Question for University — Resolved, That the general government should accept the principle of monopoly control of industry and regulate the prices in all cases brought about by the operation of economic law. Question for Freshmen — Resolved, That the United States should fortify the Panama Canal, the legal right to do so being conceded.

DISTRICT OF COLUMBIA

George Washington University. Washington. Non-Sectarian. C. W. A. Veditz, Coach. Primary system. Record 1912.

Dual debate — Washington and Lee, Lexington, Va. George Washington won on both sides of the question. Question — Resolved, That a general graduated income tax should be made an essential part of our federal system of taxation.

GEORGIA.

Atlanta Baptist College. Atlanta. (See Talladega College, Alabama.)

Emory College. Oxford. Methodist Episcopal South. No Coach. H. H. Stone, Sec. Deb. Council. Debaters chosen by the Debate Council. Record 1912.

Annual Debate — Emory and Henry College, Emory, Va. Two men on team. Emory and Henry Negative won. Question — Resolved, That in American municipalities with a population of 10,000 or

over, a tax on the rental value of land should be substituted for the general property tax, constitutionality waived.

University of Georgia. Athens. Non-Sectarian. H. A. Nix, Dept. of Pub. Speaking. R. E. Park Department of English—In charge of Debating 1911. Record 1912.

Pentangular—Universities of North Carolina, Virginia, and Tulane, and Vanderbilt. Georgia met Vanderbilt and the University of Virginia. Vanderbilt won on the Negative at Georgia, and Georgia on the Negative at Charlottesville, Va. Question—Resolved, That corporations doing an interstate commerce business should be chartered and regulated by a national commission.

IDAHO.

University of Idaho. Moscow. Non-Sectarian. Record 1912.

Annual debate—Whitman College. Idaho Affirmative won. Question—Resolved, That the United States should indorse the plan for the arbitration of international difficulties which President Taft submitted to the Senate at the last session of Congress.

ILLINOIS.

Augustana College. Rock Island. Lutheran. Dr. E. F. Bartholomew, Coach. F. H. Nicholson, Deb. Mgr. Primary System. Record 1912.

Annual debate—Bethany College, Lindsborg, Kans. Five-year contract. 1913 second year. Augustana Negative won first debate. Question—Resolved, That corporations engaged in interstate commerce should operate under a federal charter.

Annual debate—Lombard College, Galesburg, Ill. Augustana Negative won. Debate at Rock Island. Question—Resolved, That the judges of the State of Illinois should be subject to Recall by the constituency which elected them.

Eureka College. Eureka. Non-Sectarian. No report 1912. (Debates Illinois Wesleyan and Milliken universities 1913.)

Illinois College. Jacksonville. Presbyterian. Carl E. Robinson, Coach 1911. No debates 1912 as Illinois College dropped out of the Triangular with Illinois Wesleyan and Milliken.

Illinois Wesleyan University. Bloomington. P. C. Somerville, Coach
Primary System. Record 1912.

Annual debate — Northwestern College, Naperville. Illinois Wesleyan
Negative won. Debate at Bloomington. Question — Resolved,
That all corporations engaged in interstate commerce be required
to take out a federal charter on such terms as Congress may by
law prescribe, constitutionality granted.

James Milliken University. Decatur. Presbyterian. No report
1912. (See Eureka College above.)

Knox College. Galesburg. Non-Sectarian. Dwight E. Watkins,
Prof. Pub. Speaking, in charge of Debating. Primary System.
Record 1912.

Triangular — Cornell College, Ia., and Beloit College, Wis. First
year of Triangular. Knox Negative lost to Cornell, no report of
Beloit debate. Question — Resolved, That the Sherman Anti-
Trust Act as lately interpreted by the Supreme Court affords ade-
quate protection against the evils of industrial monopoly.

Lombard College. Galesburg. Universalist. Miss Adele Singer,
Coach. Wm. R. Harris, Deb. Mgr. Sigma Nu House. Primary
system. Record 1912. (See Augustana College, Ill., p. 405.)

Monmouth College. Monmouth. United Presbyterian. M. M.
Maynard Coach. Primary system. Record 1912.

Annual debate — William Jewell College, Liberty, Mo. Debate at
Monmouth. Wm. Jewell Negative won. Question — Resolved,
That in state courts of common jurisdiction a bench of three judges
should be substituted for the present jury system in trial causes.

Northwestern College. Naperville. Evangelical. Prof. Edward N.
Himmel, Coach. Debaters chosen by faculty committee. Record
1912.

Annual debate — Illinois Wesleyan, Bloomington. Northwestern
Affirmative lost. Federal Charter. (See Illinois Wesleyan above.)

Annual debate — Carroll College, Waukesha, Wis. Northwestern
Negative won. Debate at Naperville. Question — Resolved,
That all corporations engaged in interstate commerce be required
to take out a federal charter on such terms as Congress may pre-
scribe.

Freshmen debate — (See Wheaton College, Ill.)

Northwestern University. Evanston. Methodist Episcopal. James L. Lardner, Coach, 810 Milburn St. Primary system. Record 1912.

Triangular — Chicago University and Michigan University. Northwestern Affirmative won from Chicago and the Negative lost to Michigan. Michigan Negative won from Chicago. Question — Resolved, That the Recall should be adopted for all elective state and municipal officers.

University of Chicago. Chicago. Non-Sectarian. Howard Glenn Moulton, Coach. Faculty Exchange. Primary system. Record for 1912. (See Northwestern immediately above.)

University of Illinois. Urbana. Non-Sectarian. E. V. Ketcham, Coach. Primary System. Record 1912.

Pentangular — Illinois met Wisconsin and Iowa in 1912, winning both debates. Affirmative at home, Negative at Iowa City. Question — Resolved, That the federal government should adopt a policy of ship subsidies.

Triangular — Indiana University and Ohio State University. Illinois lost the Affirmative to Ohio at Urbana and the Negative to Indiana at Bloomington. Question — Resolved, That the Initiative and Referendum should be adopted by our state governments.

Wheaton College. Wheaton. Non-Sectarian. Miss E. S. Wyman, Coach. Harrison Wagner, Deb. Mgr. Debaters chosen by coaches. Record 1912.

Annual debate — Chicago Teachers' College. Won by Wheaton Affirmative. Question — Resolved, That Illinois should have the Recall for all elective offices.

Freshman debate — Northwestern College, Naperville. Wheaton Affirmative won. Question — Resolved, That the Recall should be adopted for all elective state and municipal offices except judges.

INDIANA.

Butler College. Indianapolis. Non-Sectarian. Harvey B. Stout Jr., Coach. Odd Fellows Bldg. Pres. Orat. Assoc. Robert D. Armstrong, Deb. Mgr. Primary system. Record 1912.

Annual Debate — Albion College, Albion, Mich. Albion Affirmative

won. Debate at Indianapolis. Question — Resolved, That the Recall of state and federal judges is a sound governmental principle.

DePauw University. Greencastle. Methodist Episcopal. Prof. Harry B. Gough, Coach. E. Troxell, Asst. Pub. Speaking. Primary system. Record 1912.

Dual debate — University of Indiana, Bloomington. Affirmative won in each debate. Question — Resolved, That the revision of the tariff should be placed in the hands of a tariff commission; constitutionality waived.

Earlham College. Richmond. Friends. E. P. Trueblood, Coach. Primary system. Record 1912.

Annual debate — Cincinnati University, Ohio. Cincinnati Negative won. Debate at Richmond. Question — Resolved, That the Recall of state and federal judges is a sound governmental principle.

Annual debate — Albion College, Albion, Mich. Earlham Negative won. Recall of Judges as stated for Cincinnati debate immediately above.

Indiana, University of. Bloomington. Non-Sectarian. Ralph V. Solit, Coach. Primary system. Record 1912.

Dual debate — See DePauw, Ind., above.

Triangular debate — Illinois University and Ohio State University. (See Illinois University.)

Triangular debate — University of Notre Dame and Wabash College, Ind. Indiana lost to both schools. Question — Resolved, That the federal government be given exclusive control over corporations engaged in interstate commerce.

Notre Dame, University of. Notre Dame. R. Catholic. William A. Bolger, C. S. C. Coach and Mgr. Record 1912.

Triangular — University of Indiana and Wabash College. Notre Dame won over both schools. Question — (See Indiana University above.)

State Normal School. Terre Haute. Non-Sectarian. C. Baldwin Bacon, Coach. Debaters chosen by coach. Record 1912.

Triangular — State Normal, Normal, Ill., and Oshkosh Normal, Wis. Indiana Affirmative won from Illinois and Negative lost to Oshkosh. Question — Resolved, That the dissolution of the large trusts would endanger the best economic interests of the United States.

Wabash College. Crawfordsville. Non-Sectarian. No Coach. Eugene M. Goodbae, Deb. Mgr. Debaters chosen by Literary Societies. Record 1912.

Triangular — Wabash Affirmative won from Indiana University and Negative lost to Notre Dame. (See Indiana University and Notre Dame above.)

IOWA.

Buena Vista College. Storm Lake. Miss Elizabeth Evans, Coach. M. C. Carlton, Pres. Orat. Assoc. Debaters chosen by coach. Record 1912.

Annual debate — Ellsworth College. Debate at Storm Lake. Buena Vista Affirmative won. Question — Resolved, That the movement of organized labor for the closed shop should receive the support of the American people.

Central University. Pella. Prof. Elizabeth Graham, Coach. Clarence Hansen, Sec. Orat. Assoc. Debaters chosen in Stull Prize Contest. Primary System. Record 1912.

Annual debate — Highland Park College, Des Moines. Central Affirmative won. Question — Resolved, That Congress should establish a central bank of the United States; constitutionality granted.

Coe College. Cedar Rapids. Non-Sectarian. Prof. H. S. Hollopeter, Coach. Primary System. Record 1912.

Triangular — Carleton College, Northfield, Minn., and Ripon College, Ripon, Wis. Coe lost both debates. Question — Resolved, That the closed shop is justifiable.

Cornell College. Mt. Vernon. Methodist Episcopal. Prof. A. S. Keister, Coach. Ralph Marvel, Deb. Mgr. Primary System. Record 1912.

Triangular — Knox College, Ill., and Beloit College, Wis. Cornell Affirmative lost to Beloit, and the Negative won from Knox. (See Knox College, Ill.) Question — Resolved, That the Sherman Anti-Trust Act as lately interpreted by the Supreme Court affords adequate protection against the evils of industrial monopoly.

Des Moines College. Des Moines. Baptist. (Mrs.) F. T. Stephen-

son, Head Eng. Dept., Faculty Member in charge of debate.
Primary system. Record 1912.

Triangular — Iowa Wesleyan, Mt. Pleasant, and Upper Iowa University, Fayette. Des Moines lost both debates. Question — Resolved, That legislation in the United States should be supplemented by a policy of Initiative and Referendum; constitutionality conceded.

Drake University. Des Moines. Non-Sectarian. Frank E. Brown, Coach. Tom Walters, Pres. Forensic Club. Coaches and Primary system. Record for 1912.

Annual debate — University of South Dakota. Drake Negative won. Question — Resolved, That the state judiciary should be subject to the Recall.

Triangular — With Iowa State, Ames, and Grinnell colleges, Grinnell, Drake won both debates. Ames-Grinnell debate not reported. Question — Resolved, That an International Tribune having jurisdiction over all International Disputes should be established.

Grinnell College. Grinnell. Non-Sectarian. (See Drake above.)

Highland Park College. Des Moines. Presbyterian. H. M. Mumford, Coach. Debaters chosen by Literary Societies and by Primaries. Record 1912.

Annual debate — With Central College, Pella. (See Central, p. 409.)
Highland Park lost.

Iowa Wesleyan College. Mt. Pleasant. Methodist Episcopal. Prof. of Economics is coach. J. H. Krenmyre. Primary system. Record 1912. (See Des Moines College, p. 409.)

Freshmen debate — Simpson College. Simpson Negative won. Question — Resolved, That the Initiative and Referendum should be adopted in all the states; constitutionality conceded.

Leander Clark College. Toledo. United Brethren. Ross Masters, Coach, 1911. Primary system. Record 1912.

Triangular — Parsons College, Fairfield, and Penn College, Oskaloosa. Leander Clark won on Negative and lost to Penn on Affirmative. Penn Affirmative won from Parsons. Question — Resolved, That the Labor Union principle of the closed shop should receive the support of public opinion.

Luther College. Decorah. Lutheran. (See Gustavus Adolphus College, Minnesota.)

- Morningside College.** Sioux City. Methodist. Charles A. Marsh, Coach. Debaters chosen by the coach. Record 1912.
- Triangular** — Nebraska Wesleyan and South Dakota Wesleyan. Morningside Affirmative won from Nebraska and Negative lost to Dakota Wesleyan. Question — Resolved, That the tariff of the United States should be determined by a non-partisan board of tariff experts; constitutionality granted.
- Dual debate** — Iowa Teachers' College, Cedar Falls. Affirmative won in each case. Question as stated in the Triangular immediately above.
- Parsons College.** Fairfield. Presbyterian. E. E. Watson, Coach. Primary system. Record 1912. (See Leander Clark College, Ia., above, Penn College immediately below.)
- Penn College.** Oskaloosa. H. L. Morris, Coach. Primary system. Record for 1912.
- Triangular** — Leander Clark and Parsons colleges, Ia. Penn won both her debates. Question — Resolved, That the Labor Union principle of the closed shop should receive the support of public opinion.
- Simpson College.** Indianola. Methodist Episcopal. Levi P. Goodwin, Coach, 211 Iowa Ave. Primary system. Record 1912.
- Annual debate** — Baker University, Baldwin, Kans. Baker Affirmative won. Debate at Baldwin, Kans. Question — Resolved, That Congress should establish a central bank.
- Annual debate** — Highland Park College, Des Moines. Forfeited to Simpson by Highland Park. Central Bank question as stated in Baker debate above.
- Annual Freshmen debate** — Iowa Wesleyan, Mt. Pleasant. (See Iowa Wesleyan.)
- State College.** Ames. Non-Sectarian. Prof. A. C. MacMurry, Coach. (See Drake University, Ia.)
- Teachers' College.** Cedar Falls. Non-Sectarian. Dual debate with Morningside. Both Affirmatives won. (See Morningside College, Ia. above.)
- University of Iowa.** Iowa City. Non-Sectarian. Prof. Wm. E. Jones, Coach. E. Clyde Robbins, Asst. Primary system. Record 1912.

Pentagonal — Iowa met Illinois and Nebraska. Iowa Affirmative lost to Illinois. No report on Nebraska debate. Question — Resolved, That the federal government should adopt a policy of ship subsidies.

KANSAS.

Baker University. Baldwin, Kans. Methodist. Prof. Chas. Leach, Coach. Record 1912. (See Simpson College, Ia.)

Bethany College. Lindsborg. Lutheran. (See Augustana College, Ill.)

Campbell College. Holton. United Brethren. Prof. C. O. Van Dyke, Coach. C. R. McAllister, Deb. Mgr. Primary system. Record 1912.

Annual debate — Cooper College, Sterling, Kans. Cooper Negative won. Debate at Sterling. (Held 1911.) Question — Resolved, That all corporations engaged in interstate business should be required to take out a federal charter on such terms as Congress may, by law, prescribe.

Annual debate — Cooper College, Sterling, Kans. Campbell Negative won. Debate at Holton. Question — Granting the propriety of the Recall of all administrative officers, Resolved, That it be extended to affect all elective judges.

Annual debate — York College. (See York College, Neb.)

College of Emporia. Emporia. Presbyterian. Prof. Hugh Brower, Coach. Primary system. Record 1912.

Annual debate — Ottawa University, Ottawa, Kans. Two men on team. Emporia Negative won. Question — Resolved, That for cities in the United States of over 15,000 inhabitants a commission form of government, similar to the Des Moines plan, is the best form of government.

Cooper College. Sterling. United Presbyterian. Miss Ella Dornon, Coach. Miss Carrie McClure, Deb. Mgr. Primary system. Record 1912.

Annual debate — Campbell College. (See above.)

Annual debate — Amity College. Cooper Negative won. Debate at Sterling. Question — Granting the propriety of the Recall by the

people of all executive and legislative officers, Resolved, That it be extended to include all elective judges.

Annual debate — At Alva, Okla. Decision for Negative. Question — Resolved, That the Recall should be applied to our entire judiciary.

Fairmount College. Wichita. Prof. B. F. Pittenger and Prof. T. H. Morrison, Coaches. Primary System. Record 1912.

Dual debate — (See Kansas State Agricultural College.)

Friends University. Wichita. Friends. (See Southwestern College, Kans.)

Kansas State Agricultural College. Manhattan. Prof. J. W. Searson, Coach. Carl Ostrum, Asst. Primary system. Record 1912.

Annual debate — Kansas Wesleyan, Salina. Debate at Salina. Wesleyan Negative won. Question — Resolved, That the United States should establish a system of parcels post, details of the system to be left to legislative determination.

Dual debate — Fairmount College, Wichita, Kan. Fairmount College Affirmative won at Wichita. Tie reported in Manhattan debate — Absence of third judge (?) Question — As stated in the Kansas Wesleyan debate immediately above.

Dual debate — Oklahoma A. & M. C., Stillwater, Okla. Oklahoma won both debates. Two men on teams. Question — Resolved, That the Constitution of every state should be so amended as to provide for the Initiative and Referendum.

Kansas Wesleyan University. Salina. Methodist. Lorne C. Huffman, Coach, 1304 South Sante Fé. Primary system. Record 1912.

Annual debate — Kansas State Agricultural College, Manhattan. (See Kansas State above.)

Annual debate — Ottawa University, Ottawa, Kan. Wesleyan Negative won. Debate at Salina. Two men on teams. Question — Resolved, That the present distribution of power between state and federal governments is not adapted to modern conditions and calls for readjustment in the direction of further centralization.

McPherson College. McPherson. E. F. Long, Coach. J. A. Blair, Deb. Mgr. Debaters chosen by coach. No debates 1912. Debates Cooper College, Sterling, Kan., and Friends University, Wichita, Kan., 1913.

Ottawa University. Ottawa. Baptist. Prof. C. O. Hardy, Coach.

Prof. C. V. Stansell, Asst. Coach. Charles Battin, Deb. Mgr.
Primary system. Record 1912.

Annual debate — College of Emporia. (See p. 412.)

Annual debate — (See Kansas Wesleyan, p. 413.)

Annual debate — Washburn College, Topeka. Debate at Ottawa.

Ottawa Affirmative won. Question — Resolved, That Congress should enact legislation looking to the purchase of the railroads by the government; constitutionality waived.

Annual debate — Girls — Washburn College. At Topeka. Ottawa Negative won. Question — Resolved, That Congress should establish an educational test for immigrants.

Southwestern College. Winfield. Methodist. No Coach. Cecil M. Deist, Deb. Mgr. Primary system. Record 1912.

Annual debate — Friends University, Wichita, Kans. Southwestern Affirmative won. Question — Commission form of government.

Annual debate — Park College, Parkville, Mo. Debate at Winfield. Southwestern Affirmative won. Question — Shall the commonwealths enact legislation providing for the Recall of public officials.

Annual debate — Oklahoma Baptist College, Blackwell. (See Oklahoma Baptist College.)

University of Kansas. Lawrence. Non-Sectarian. G. A. Gesell, Coach. Primary system. Record 1912.

Triangular — (See University of Colorado).

Annual debate — University of Missouri. Debate at Columbia, Mo. Kansas Negative won. Question — Resolved, That the Recall should be appued to the state judiciary.

LOUISIANA.

Louisiana State University. Baton Rouge. Non-Sectarian. Prof. J.

Q. Adams, Coach, 623 Lafayette St. Primary system. Record 1912.

Pentangular — Louisiana met the University of Tennessee and University of Texas, winning both debates. Question — Resolved, That the federal government should adopt a progressive income tax with a reasonable minimum of exemption as the best remedy for the existing evils of our national tax system. Constitutionality is granted and it is admitted that the evils of our national tax system are: regressivity, inelasticity, and complexity.

Tulane University. New Orleans. Non-Sectarian. Ralph Schwartz, Coach, Gibson Hall. William J. Geeste, Deb. Chr., 1225 Prytania St. Debaters chosen by coach. Record 1912.

Pentangular — Tulane met the University of Virginia and the University of North Carolina, losing both debates. Two men on teams. Question — Resolved, That all corporations doing an interstate commerce business should be chartered and regulated by a federal commission.

MAINE.

Bates College. Lewiston. Non-Sectarian. S. R. Oldham, Coach, 10 Frye St. Gordon L. Cave, Deb. Mgr, 20 Parker Hall. Debaters chosen by coach and in primary. Record 1912.

Annual debate — Colgate University, Hamilton, N. Y. Debate at Lewiston. Colgate Affirmative won. Question — Resolved, That the Aldrich plan of banking and currency reform as provided in the bill introduced into the Senate, Jan. 11, 1912, should be adopted.

Annual debate — Clark University. Debate at Worcester, Mass. Bates Affirmative won. Question — Central Bank plan as stated above in Colgate debate.

Bowdoin College. Brunswick. Non-Sectarian. Wm. Hawley Davis, Prof. of Eng., has charge. No coaching. James A. Norton, Deb. Mgr., D. U. House. Primary system. Record 1912.

Annual debate — New York University. Debate at New York. New York University Affirmative won. Question — Resolved, That the United States (both federal and state governments) should adopt a uniform compulsory workingmen's compensation act applicable to industrial employments.

Annual debate — Wesleyan University, Conn. Debate at Brunswick. Bowdoin Negative won. Question — As stated in New York debate immediately above.

University of Maine. Orono. Non-Sectarian. Windsor P. Daggett, Coach. George C. Clark, Deb. Mgr., Theta Chi House. Debaters chosen by coach. No debates 1912. Will debate in 1913.

MARYLAND.

Johns Hopkins University. Baltimore. Non-Sectarian. John C. French, Coach. John S. Dickinson, Deb. Mgr. Debaters chosen by coach. Record 1912.

Dual debate — College of the City of New York. Affirmative won in each case. Question — Resolved, That industrial corporations engaged in interstate business should be under the control of a federal commission.

MASSACHUSETTS

Amherst College. Amherst. Non-Sectarian. Debates Wesleyan, Conn., and Williams, Mass. No report 1912.

Boston College. Boston. R. Catholic. W. F. McFadden, S. J., Coach. Leo A. Hughes, Deb. Mgr. Debaters chosen by coaches and Primary system. Record 1912.

Annual debate — Clark College, Worcester Mass. Debate at Worcester. Clark won on Negative. Question — Resolved, That all corporations engaged in interstate commerce be required to incorporate under a federal charter.

Clark College. Worcester. Non-Sectarian. Dr. Frank H. Hawkins, Coach. John Lund, Pres. Deb. Soc. Debaters chosen by coaches from members of Debating Society. Record 1912.

Annual debate — Boston College. Clark won. (See Boston College above.)

Annual debate — Bates College, Me. Bates won. (See Bates College, Maine.)

Harvard University. Cambridge. Non-Sectarian. No report. Lost to Princeton. (See under Yale University, Conn.)

Holy Cross College. Worcester. R. Catholic. Frederick, W. Keaney, S. J., Coach. J. Alfred T. Lane, Pres. Deb. Soc. Primary system. Record 1912.

Annual debate — Fordham, N. Y. Debate at New York City. Holy Cross won on Affirmative. Question — Resolved, That boards of arbitration, with compulsory powers, should be established to settle disputes between employers and wage earners.

Williams College. Williamstown. Non-Sectarian. No Coach. Lewis

Perry, Prof. Eng. Lit. Faculty Member in charge. A. I. Swift
Deb. Mgr. Primary system.

Debates in two triangulars — Amherst, Wesleyan, and Dartmouth,
Brown. Report incomplete.

MICHIGAN.

Albion College. Albion. Methodist Episcopal. Chas. H. Woolbert,
Coach. Clarence R. Ely, Deb. Mgr. Primary system. Record
1912.

Annual debate — Earlham College, Ind. Debate at Albion. Two
judges present — tie decision. Ranking judges grades gave it to
Earlham Negative. Question — Resolved, That the Recall of state
and federal judges is a sound governmental principle.

Annual debate — Butler College, Ind. Debate at Indianapolis. Albion
Affirmative won. Same question as with Earlham stated immedi-
ately above.

Annual debate — Lawrence College, Wis. Debate at Albion. Won by
Albion Affirmative. Question — Resolved, That the federal gov-
ernment should levy and collect a graduated inheritance tax.

Annual Freshmen debate — Beloit College, Wis. At Beloit. Beloit
Negative won. Question — Resolved, That Trade Unionists are
justified in their opposition to the open shop.

Alma College. Alma. Presbyterian. Claud W. Satterlee, Pres.
Deb. L. Debaters chosen by coaches. Record 1912.

Triangular — Hope and Olivet colleges, Mich. Alma lost both debates.
Question — Resolved, That cities should own and operate their
public utilities.

Triangular — Michigan Agricultural College and Ypsilanti Normal.
Alma Affirmative won over M. A. C. and Negative lost to Ypsilanti.
Question — Resolved, That the United States should adopt a
progressive inheritance tax.

Hillsdale College. Hillsdale. Non-Sectarian. No report. (See Kala-
mazoo College, Mich.)

Hope College. Holland. Ref. of Am. Prof. J. B. Nyerck, Coach,
Voorhees Hall. John Tillema, Sec. Debating Club, 25 Van Vleck.
Debaters chosen by Literary Societies. Record 1912.

Triangular — Alma and Olivet Colleges. (See Alma, p. 417.) Hope won both debates. Question — Resolved, That cities should own and operate their public utilities.

Kalamazoo College. Kalamazoo. S. MacEwan, Eng. Dept., Professor in charge. Pres. Sherwood Lit. Soc. is Deb. Mgr. Debaters chosen in Literary Society. Record 1912.

Annual debate — Hillsdale College. Debate at Kalamazoo. Kalamazoo Affirmative won. Question — Resolved, That the marriage and divorce laws ought to be regulated by federal enactment.

Michigan Agricultural College. East Lansing. Non-Sectarian. W. S. Bittner, Coach. E. Hart, Deb. Mgr. Primary system. Record 1912.

Triangular — Alma College and Ypsilanti Normal. M. A. C. won on Affirmative from Ypsilanti and lost on Negative to Alma. Question — Resolved, That the federal government should levy a graduated income tax; constitutionality conceded. (This statement does not agree with the Alma report. (See p. 417.)

Michigan, University of. Ann Arbor. Non-Sectarian. No coach. Thos. C. Trucblood, Prof. Pub. Speaking, Faculty Member in charge. Primary system. Record 1912.

Triangular — Northwestern and Chicago Universities, Ill. Michigan won both debates. Question — Resolved, That the Recall should be adopted for all elective officers except judges and the President and Vice-President of the United States. (Statement does not agree with the one given by Northwestern. See Illinois.)

Olivet College. Olivet. Non-Sectarian. Dr. Thos. W. Nadal, Eng. Dept., Coach. Primary System. Record 1912.

Triangular — Alma and Hope Colleges, Mich. Olivet Affirmative lost to Hope and Negative won from Alma. Question — Resolved, That the cities of the United States should own and operate their public utilities.

Ypsilanti Normal. Ypsilanti. Non-Sectarian. (See Alma College on p. 417, and Michigan Agricultural College above.)

MINNESOTA.

Carleton College. Northfield. Non-Sectarian. I. M. Cochran, Coach, and Mgr. Primary System. Record 1912.

Triangular — Coe College, Cedar Rapids, Ia. and Ripon College, Ripon. Wis. Carleton won both debates. Question — Resolved, That the closed shop is justifiable.

Gustavus Adolphus College. St. Peter. Lutheran. Prof. L. Malenberg, Coach. Primary System. Record 1912.

Annual debate.—Hamline University, St. Paul, Minn. Gustavus Adolphus Affirmative won. Debate at St. Paul. Question — Resolved, That the federal government should levy a progressive inheritance tax.

Annual debate — Luther College, Decorah, Ia. Debate at St. Peter. Gustavus Adolphus Affirmative won. Question as stated in the Hamline debate immediately above.

Hamline University. St. Paul. Methodist Episcopal. Don D. Leschier, Coach. Clarence Nelson, Deb. Mgr. Primary System. Record 1912.

Annual debate — (See Gustavus Adolphus College, Minn. above.)

Annual debate — Lawrence College, Appleton, Wis. Debate at Appleton. Lawrence won on Affirmative. Question — Resolved, That the federal government should levy a progressive inheritance tax.

Macalaster College. St. Paul. Presbyterian. Prof. Glenn Clark, Coach. J. R. Neller, Deb. Mgr. Primary system. Record 1912.

Triangular — Fargo College, Fargo, N. Dak. and St. Olaf College, Northfield, Minn. Macalaster Affirmative won from Fargo and the Negative lost to St. Olaf. Question — Resolved, That the United States should establish a central bank.

Minnesota, University of. Minneapolis. Non-Sectarian. Haldor B. Gilson, Coach. Primary system. Record 1912.

Pentangular — Minnesota met Nebraska and Wisconsin Universities. Minnesota won both debates. Question — Resolved, That the United States should adopt a policy of shipping subsidies.

St. Olaf College. Northfield. Lutheran. No coach. Ernest O. Melby, President Debating Assoc. Primary System. Record 1912.

Triangular — Fargo College, Fargo, N. Dak. and Macalaster College, St. Paul, Minn. St. Olaf won both debates. Question — Resolved, That the United States should establish a central bank.

MISSISSIPPI.

Millsaps College. Jackson. Methodist. (See Hendrix College, Arkansas.)

University of Mississippi. Oxford. Non-Sectarian. Record 1912.
Pentangular — See Arkansas University and Tennessee University.

MISSOURI

Canton College. Canton. (See Cotner College, Nebraska.)

Central College. Fayette. (See Missouri Valley College, Mo.)

Drury College. Springfield. Non-Sectarian. E. D. Schonberger, Coach. 1258 Summit Ave. Primary system. Record 1912.

Annual debate — Wm. Jewell College, Liberty, Mo. Wm. Jewell Affirmative won. Debate at Springfield. Question — Resolved, That the commonwealths should enact legislation providing for the recall of their public officials.

Missouri, University of. Columbia. Non-Sectarian. Frederick M. Tisdell, Asst. Prof. of English has charge. Primary system. Record 1912.

Annual debate — Texas University, Austin. Debate at Columbia. Texas Negative won. Two men on teams. Question — Resolved, That the efficiency of state universities would be increased by allowing the bachelor's degree in college of Arts and Sciences to be taken either as a degree without characterization or as a degree with honors, the degree with honors being based in part upon prescribed honor courses open only to students of distinction.

Annual debate — University of Colorado. Debate at Boulder. Colorado Negative won. Two men on teams. Question — Resolved, That the Recall should be applied to the state judiciary.

Annual debate — Kansas University at Lawrence, Kan. Kansas Negative won. Judicial Recall as stated in the Colorado Debate immediately above. Two men on teams.

Missouri Valley College. Marshall. Presbyterian. No coach. H. L. McDaniel, Mgr. Deb. Debaters chosen by Literary Societies Record 1912.

Triangular — Central College, Fayette, Mo., and Westminster College, Fulton, Mo. Westminster won both its debates and Missouri

Valley won over Central. Question — Resolved, That state judges should be subject to the Recall.

Park College. Parkville. Non-Sectarian. J. H. Lawrence, Coach. Primary system. Record 1912. (See Southwestern College, Kans.)

Westminster College. Fulton. Presbyterian. (See Missouri Valley College, Mo.)

William Jewell College. Liberty. Baptist. Dr. Elmer C. Griffith, Coach. 315 No. Lighthouse St. R. L. Hunt, Deb. Mgr. Kappa Sigma House. Primary system. Record 1912.

Annual debate — Drury College. (See Drury College, Mo., p. 420.)

Annual debate — Monmouth College. Debate at Monmouth, Ill. Wm. Jewell won on Negative. Question — Resolved, That in state courts of common jurisdiction a bench of three judges should be substituted for the present jury system in trial causes. Constitutionality waived.

Annual debate — Baylor University, Waco, Texas. Debate at Liberty. Wm. Jewell Affirmative won. Two men on team. Question as stated in the Monmouth debate immediately above.

MONTANA.

Montana State College. Bozeman. Non-Sectarian. Irwin T. Gilruth, Coach. Debaters chosen by coaches. Record 1912.

Annual debate — University of Montana. Debate at Missoula. Montana State Affirmative won. Question — Resolved, That all corporations doing an interstate business should take out a federal charter.

Annual debate — State Agricultural College of Utah, Logan. Debate at Logan. Utah won on the Affirmative. Question as stated in debate with Montana University immediately above.

Montana, University of. Missoula. Non-Sectarian. G. M. Palmer, Coach. 523 Woodford St. Primary system. Record 1912.

Annual debate — Montana State College. (See immediately above.)

Annual debate — Washington State College, Pullman. Debate at Pullman. Montana Negative won. Question — Resolved, That the members of the state judiciary should be subject to popular Recall.

NEBRASKA.

Bellevue College. Bellevue. Non-Sectarian. (See Cotner College immediately below.)

Cotner College. Bethany. Christian. H. O. Pritchard, Coach. Avery Morton, Deb. Mgr. Primary system. Record 1912.

Triangular — Bellevue College, Neb. and Doane College, Crete, Neb. Cotner won both its debates. Question — Resolved, That all judges other than federal judges should be subject to the Recall.

Annual debate — Canton Christian College. Canton, Mo. Debate held at Bethany. Cotner Negative won. Recall of judges as stated in Triangular above.

Creighton University. Omaha. R. Catholic. (See University of So. Dakota.)

Doane College. Crete. Congregational. J. E. Taylor, Coach. Frank R. Dawes, Deb. Mgr. Primary system. Record 1912.

Triangular — Bellevue College, Bellevue, and Cotner College, Bethany, Neb. Doane lost on the Affirmative to Cotner and won on the Negative from Bellevue. Question — Resolved, That all judges other than federal judges should be subject to the Recall.

Grand Island College. Grand Island. Baptist. Voyles C. Johnson, Coach. Robert W. Proudfit, Deb. Mgr. Debaters chosen by coaches and in primary. Record 1912.

Annual debate — Kearney State Normal, Kearney, Neb. Debate at Kearney. Negative won for Kearney. Question — Resolved, That the voters of Nebraska should adopt the proposed amendment to the constitution, known as the Initiative and Referendum, at the next general election.

Hastings College. Hastings. Presbyterian. No reports 1912. Debates Grand Island College, 1913.

Kearney State Normal. Kearney. Non-Sectarian. George N. Porter, Coach and Manager. Primary system. Record 1912.

Triangular — Peru State Normal, Peru, Neb. and Wayne State Normal, Wayne, Neb. Affirmative won in each debate. Question — Resolved, That the proposed amendment to the Nebraska Constitution legalizing the Initiative and Referendum should be adopted.

Annual debate — Grand Island College. (See above.)

Nebraska, University of. Lincoln. Non-Sectarian. No report. Debates in Central League Pentangular. Met Iowa and Minnesota. Lost to Minnesota. Ship subsidy question.

Nebraska Wesleyan University. University Place, Lincoln. Methodist. Herman Churchill, Coach. Primary system. Record 1912. Triangular — Morningside College, Sioux City and So. Dakota Wesleyan Mitchell. Dakota won both her debates. Nebraska Negative lost to Morningside. Question — Resolved, That the tariff of the United States should be determined by a non-partisan board of tariff experts, constitutionality granted.

Peru State Normal. Peru. Non-Sectarian. I. G. Wilson, Coach. Primary system. Record 1912. (See Kearney Normal, p. 422.)

Wayne State Normal. Wayne. Non-Sectarian. No report. (See Kearney State Normal, p. 422.)

York College. York. United Brethren. No coach. Wayne W. Soper, Debate Mgr., 909 E. Fifth St. Debaters chosen by Literary Societies. Record 1912.

Annual debate — Campbell College, Holton, Kans. Debate at York. York Negative won. Question — Resolved, That the United States Senators should be elected by the direct vote of the people of their respective states.

NEW HAMPSHIRE.

Dartmouth College. Hanover. Non-Sectarian. Debates in triangular with Brown University, Providence, R. I., and Williams College, Williamstown, Mass. No report 1912.

NEW JERSEY.

Princeton University. Princeton. Non-Sectarian. No coach. H. F. Covington, Prof. Public Speaking in charge. Paul F. Myers, Chr. Deb. Primary system. Record 1912.

Triangular — Harvard University and Yale University. Princeton won both debates last year. Question — Resolved, That the general government should accept the principle of monopoly control of industry and regulate the prices in all cases brought about by the operation of economic law.

Freshmen Triangular — Princeton won from Yale. No report of Harvard debate. Question — Resolved, That the United States should fortify the Panama Canal, the legal right to do so being conceded.

Rutgers College. New Brunswick. Non-Sectarian. (See Lafayette College, Pennsylvania.)

NEW MEXICO.

University of New Mexico. Albuquerque. Non-Sectarian. Dr. Mandel Selber, Coach. Primary system. Record 1912.

Annual debate — New Mexico Agricultural College, Mesilla Park. Agricultural College Affirmative won. Question — Resolved, That women be given the right of suffrage.

NEW YORK.

Colgate University. Hamilton. Non-Sectarian. No coach. Prof. E. W. Smith, Dept. Public Speaking in charge. Primary system. Record 1912.

Triangular — Hamilton College, Clinton, N. Y. and Union College Schenectady, N. Y. Colgate won both its debates. Union Negative won over Hamilton. Question — Resolved, That the Sherman Anti-Trust law should be repealed.

Annual debate — Bates College, Lewiston, Me. Colgate Affirmative won. Debate at Lewiston. Question — Resolved, That the Aldrich plan of banking and currency reform as provided in the bill introduced into the Senate, Jan. 11, 1912, should be adopted.

Annual debate — Rochester University, Rochester, N. Y. Debate at Hamilton. Rochester Affirmative won. Question as stated in Bates debate immediately above.

College of the City of New York. New York. Non-Sectarian. (See J. Hopkins University, Md.)

Columbia University. New York City. Non-Sectarian. Debates Cornell and Pennsylvania Universities. See Cornell, N. Y. and Syracuse University, N. Y.

Cornell University. Ithaca. Non-Sectarian. No coach. J. A. Winans, Head Dept. Public Speaking. H. G. Wilson, Deb. Mgr.,

526 Stewart Ave. Debaters chosen by Faculty Debate Council.
Record 1912.

Triangular — Columbia and Pennsylvania Universities. Cornell won both debates. No report third debate. Question — Resolved, That the Sherman Anti-Trust law should be repealed and a new law enacted whereby corporations doing an interstate business should be regulated instead of destroyed.

Annual debate — Union College, Schenectady. Debate at Schenectady. Union Negative won. Question as stated in the Triangular immediately above.

Annual debate — Hamilton College, Clinton. Debate at Clinton. Hamilton Affirmative won. Question as stated in the Cornell Triangular immediately above.

Fordham University. Fordham. R. Catholic. No report. (See Holy Cross College, Mass.)

Hamilton College. Clinton. Non-Sectarian. No coach. Prof. Calvin L. Lewis, Dept. Public Speaking, Deb. Mgr. Debaters chosen by faculty Debate Council of five. Record 1912.

Triangular — Colgate University and Union College. (See Colgate University, N. Y., p. 424.)

Annual debate — Cornell University — Preliminary for Cornell in Columbia, Pennsylvania Triangular. See Cornell above. Hamilton won on Negative.

New York University. New York. Non-Sectarian. (See Bowdoin College, Me.)

Rochester, University of. Rochester. Non-Sectarian. E. Y. Frazier, Frank Stockton, Coaches. E. B. Price, Deb. Mgr. Debaters chosen by coaches in preliminary contests. Primary system. Record 1912.

Annual debate — Law Clerks Association. Debate at Rochester. Rochester Negative won. Question — Resolved, That the Sherman Anti-Trust Law should be continued on the statute books.

Annual debate — Colgate University, Hamilton, N. Y. Debate at Hamilton. Rochester Affirmative won. Question — Resolved, That the Aldrich plan for monetary reform should be adopted.

Syracuse, University of. Syracuse. Non-Sectarian. S. L. Kennedy, Graduate Coach, 621 Crouse, Syracuse. Debaters chosen by coach in primary. Record 1912.

Annual debate — Columbia University. Debate at Syracuse. Syracuse Affirmative won. Question — Resolved, That the Sherman Anti-Trust Law should be repealed and a law enacted whereby corporations doing an interstate business be regulated and not destroyed.

Union College. Schenectady. Non-Sectarian. (See Colgate University and Hamilton College, N. Y., p. 424.)

NORTH CAROLINA.

Davidson College. Davidson. Presbyterian. W. S. Golden, Deb. Mgr. Debaters chosen by Literary Societies. Record 1912.

Annual debate — Wofford College. Debate at Charlotte, N. C. Davidson Negative won. Question — Resolved, That the government of the United Kingdom of Great Britain and Ireland is more democratic than that of the United States.

Annual debate — University of South Carolina. Debate at Rock Hill, S. C. University of South Carolina won on the Negative. Question — Municipal ownership of water, light, and electric street railway plants.

North Carolina, University of. Chapel Hill. Non-Sectarian. Primary system. Record 1912.

Pentagonal — N. C. met Vanderbilt University and Tulane University, winning both debates. Question — Resolved, That corporations doing an interstate commerce business should be chartered and regulated by a national commission.

Shaw University. Raleigh. Baptist. Wm. C. Craver, Coach. Max Yergan, Deb. Mgr. Debaters chosen by coaches in primary. Record 1912.

Annual debate — Union University. Debate at Richmond, Va. Union University Affirmative won. Question — Resolved, That the federal government should own and operate the railroads in the United States.

Trinity College. Durham. Methodist Episcopal South. Record 1912.

Annual debate — Swarthmore College, Pa. Debate at Swarthmore. Trinity Negative won. Question — Resolved, That all corporations doing an interstate business should be required to take out

a federal charter on such terms as Congress may, by law, prescribe; constitutionality conceded.

Annual debate — University of So. Carolina. Debate at Durham, N. C. University of So. Carolina won on Negative. Question — Resolved, That Congress should enact a federal incorporation law with definite terms and restrictions by compliance with which corporations doing an interstate business may take out a federal charter. Constitutionality granted and incorporation to be voluntary.

Wake Forest College. Wake Forest. Baptist. No coach. Rowland Shaw Pruette, Deb. Chr. Debaters chosen by Literary Societies. Record 1912.

Annual debate — Baylor University, Waco, Texas. Debate at Waco. Baylor Negative won. Question — Resolved, That the Initiative, Referendum, and Recall not applying to the judiciary, is a wise governmental policy.

NORTH DAKOTA.

Fargo College. Fargo. Non-Sectarian. B. W. Brown, Coach. A. T. Aronson, Deb. Mgr. Primary System. Record 1912.

Triangular — Macalaster and St. Olaf Colleges, Minnesota. Fargo lost both debates. Question — Resolved, That the United States government should establish a central bank.

North Dakota Agricultural College. Fargo. Non-Sectarian. A. G. Arvold, Coach. Debaters chosen by coach in primary. Record 1912. No debates. Meets So. Dak. Agri. and Manitoba Agri. 1913.

North Dakota, University of. Grand Forks. Non-Sectarian. John Adams Taylor, Inst. Public Speaking, Dr. J. E. Boyle, Prof. Econ, and Joseph Lewisohn, Prof. Law, Coaches. Debaters chosen by coaches. Record 1912.

Annual debate — University of Manitoba, Canada. Debate at Grand Forks. Dakota Negative won. Question — Resolved, That the taxation of land values only forms the proper basis of taxation for the purpose of local government in the United States and Canada.

Annual debate — University of So. Dakota. Debate at Vermillion, South Dakota. No. Dakota won on Negative. Question — Re-

solved, That the principle of the Recall should be extended so as to apply to all judges except those of the United States Supreme Court.

OHIO.

Ashland College. Ashland. Brethren. (See Otterbein University, Ohio, p. 429.)

Denison University. Granville. Baptist. Prof. C. E. Goodell, Coach. Primary system. Record 1912.

Triangular — Miami University, Oxford, Ohio, and Ohio Wesleyan University, Delaware, Ohio. Negative won in each case. Denison had Negative against Miami and Affirmative against Wesleyan. Question — Recall of elective administrative officials in Ohio.

Miami University. Oxford. Non-Sectarian. Arthur L. Gates, Prof. Public Speaking, Coach. Charles Sweigart, Deb. Mgr. Debaters chosen by coach in primary. Record 1912. (See Denison, immediately above.)

Mt. Union College. Alliance. Methodist. No coach. Prof. Herbert D. Simpson in charge. Primary system. Record 1912. (See Muskingum College, Ohio, below.)

Muskingum College. New Concord. United Presbyterian. Prof. Wilbur C. Dennis, Coach. R. S. McClure, Deb. Mgr. Primary system. Record 1912.

Dual debate — Mt. Union College, Alliance, Ohio. Debate at each school. Affirmative won in each case, each school winning one debate. Question — Resolved, That all corporations doing an interstate business should be required to procure a federal charter. Constitutionality granted.

Annual debate — Geneva College, Beaver Falls, Pa. Debate at New Concord. Muskingum Affirmative won. Question — As stated in the dual debate immediately above.

Triangular — Girls. (See Ohio University, Athens, below.)

Oberlin College. Oberlin. Non-Sectarian. (Debates Ohio Wesleyan and Western Reserve. See Wesleyan.)

Ohio, University of. Columbus. Non-Sectarian. (See Illinois University and Indiana University.)

Ohio University. Athens. Non-Sectarian. Prof. H. R. Pierce, Coach.
Primary system. Record 1912.

Triangular — Otterbein and Wittenberg Universities, Ohio. Affirmative won in each debate. Affirmative debated at home. Ohio Affirmative met Otterbein and Negative met Wittenberg at Springfield. Wittenberg Negative met Otterbein at Westerville. Question — Resolved, That the Initiative and Referendum should be made a part of the Legislative system of Ohio.

Triangular — Girls — Muskingum College, New Concord and Otterbein University, Westerville, Ohio. Otterbein won both debates. Ohio University Negative won from Muskingum. Question — Resolved, That laws granting to women the right of suffrage should be made a part of the constitutional government.

Ohio Wesleyan University. Delaware. Methodist Episcopal. Robert I. Fulton, Prof. Public Speaking in charge. No coach. H. G. Hageman, Pres. Deb. and Orat. Council. Primary system. Record 1912.

Triangular — Oberlin College and Western Reserve University. Negative won in each debate. Wesleyan won from Oberlin and lost to Reserve. Oberlin won from Reserve. Question — Resolved, That all elective administrative officials in Ohio should be subject to the Recall.

Triangular — Denison and Miami Universities. (See Denison, p. 428.)

Otterbein University. Westerville. United Brethren. H. J. Heltman, Prof. of Oratory, Coach. Primary system. Record 1912.

Triangular — Ohio University, Athens, and Wittenberg, Springfield. (See Ohio University, above.)

Triangular — Girls — Ohio University, Athens, and Muskingum College, New Concord. (See Ohio University, above.)

Annual debate — Ashland College, Ashland. Debate at Westerville. Otterbein Negative won. Question — Resolved, That the Initiative and Referendum should be made a part of Ohio's Constitutional government.

University of Cincinnati. Cincinnati. Non-Sectarian. (See Earlham College, Indiana.)

Western Reserve University. Cleveland. Non-Sectarian. Prof. H. S. Woodward, Coach. M. S. Nichols, 3265 Scranton Rd., Deb. Mgr. Debaters chosen by coach in primary. Record 1912.

Triangular — With Oberlin and Ohio Wesleyan Universities. (See Ohio Wesleyan.)

Wittenberg College. Springfield. Lutheran. No coach. Lloyd M. Wallick, Deb. Mgr. Debaters chosen by Literary Societies. Record 1912.

Triangular — Ohio University, Athens, and Otterbein University, Westerville. (See Ohio University above.) Wittenberg won both its debates.

Wooster, University of. Wooster. Presbyterian. Prof. Delbert G. Lean, Dept. Public Speaking, Coach. Primary system. Record 1912.

Triangular — Allegheny College, Pa. and University of Pittsburg, Pa. Wooster Affirmative won from Allegheny and Negative lost to Pittsburg. Pittsburg won on Negative from Allegheny. Question — Resolved, That constitutionality aside, the principle of the popular Recall of judges should be adopted by the several states.

OKLAHOMA.

Oklahoma A. & M. C. Stillwater. Non-Sectarian. (See Kansas Agricultural College.)

Oklahoma Baptist College. Blackwell. Baptist. E. S. Abbott. Record 1912.

Annual debate — Southwestern College, Winfield, Kans. Southwestern Negative won. Question — Resolved, That a graduated income tax would be a desirable form of federal taxation in the United States.

Oklahoma, University of. Norman. Non-Sectarian. Paul A. Walker, Coach. Primary system.

Triangular — Kansas and Colorado Universities. (See Colorado University.)

OREGON.

Albany College. Albany. Presbyterian. No coach. Primary system. Record 1912.

Quadrangular — McMinneville College, Pacific University, and Willamette University, all of Oregon. Albany met Willamette and Pacific,

winning both decisions. Debates were held at Albany. Question — Resolved, That boards of arbitration with compulsory powers should be established in the United States to settle disputes arising between employers and employees.

Oregon, University of. Eugene. Non-Sectarian. Robert W. Prescott, Coach. Arthur M. Geary, Grad. Mgr. Debaters chosen by coaches in primary. Record 1912.

Triangular — Leland Stanford University, Palo Alto, Cal., and Washington University, Seattle. Oregon lost both debates. Question — Judicial Recall. (See Stanford University, Cal.)

Annual debate — University of Utah. Debate at Eugene. Utah won on Negative. Question — Resolved, That judges should be subject to popular Recall. Constitutionality waived.

Pacific University. Forest Grove. Non-Sectarian. W. G. Harrington, Coach. Primary system. Record 1912. (See Albany College, Oregon, above.)

Willamette College. Salem. Methodist Episcopal. E. Paul Todd, P. O. Box 262, Deb. Mgr. Primary system. Record 1912. (See Albany College, Ore., p. 430.)

PENNSYLVANIA.

Allegheny College. Meadville. Methodist Episcopal. Stanley S. Swartley, Coach. Primary system. Record 1912.

Triangular — University of Pittsburg, Pa. and University of Wooster, Wooster, Ohio. Allegheny Affirmative lost to Pittsburg, and the Negative lost to Wooster. Pittsburg Affirmative won from Wooster. Question — Resolved, That constitutionality aside, the principle of the popular Recall of judges should be adopted by the several states.

Bucknell University. Lewisburg. Baptist. No coach. Bromley Smith. Primary system. Record 1912.

Dual debate — Pennsylvania College, Gettysburg. Each won on the Affirmative at home. Question — Resolved, That for the best interests of the whole country Woodrow Wilson, and not William H. Taft, should be elected president of the United States.

Dickinson College. Carlisle. Non-Sectarian. No coach. M. G. Filler, Fac. Deb. Chr. Primary system. Record 1912.

Quadrangular.—Franklin and Marshall, Pennsylvania State, and Swarthmore Colleges. Dickinson met Swarthmore in dual debate the Affirmative winning in each case. Franklin and Marshall met the State college in dual debate the Negative winning in each case. First year of a new plan of conducting the league debates. Question — Resolved, That Greek letter fraternities are inimical to the best interests of the American College.

Franklin and Marshall College. Lancaster. Ref. in United States. Record 1912.

Quadrangular — (See Dickinson College, Pa., p. 431, and Pennsylvania State College, below.) F. & M. met Pennsylvania State College in dual debate, losing on Affirmative and winning on Negative. Question — Fortifying Panama Canal.

Geneva College. Beaver Falls. Ref. Presbyterian. No report. Record 1912. (See Muskingum College, Ohio.)

Juniata College. Huntington. Baptist. A. M. Replogle, Pres. Lyceum Literary Society. Debaters chosen by Literary societies. Record 1912.

Annual debate — University of Pennsylvania. Debate at Beaver Falls. University Affirmative won. Question — Resolved, That the Sherman Anti-Trust act should be repealed, and a new law passed whereby corporations shall be regulated instead of destroyed.

Lafayette College. Easton. Presbyterian. Walter D. Barker, Deb. Mgr., 10 South College. Primary system. Record 1912.

Annual debate — Rutgers College, New Brunswick, N. J. Debate at New Brunswick. Lafayette won. Question — Resolved, That women should be allowed to vote in the United States on the same terms as men.

Pennsylvania College. Gettysburg. Lutheran. Franklin W. Moser, Coach. C. F. Sanders, Deb. Mgr. Primary system. Record 1912. (See Bucknell University, Pa., p. 431.)

Pennsylvania State College. State College. Non-Sectarian. J. H. Frizzell, Asst. Prof. Public Speaking. Coach. Debaters chosen by coach. Record 1912.

Quadrangular — (See Dickinson College, Pa., above.) Penn. State met Franklin and Marshall in dual debate each winning on the

Affirmative. Question — Resolved, That the United States is justified in fortifying the Panama Canal.

Pennsylvania, University of. Philadelphia. Non-Sectarian. Record 1912.

Triangular — Columbia and Cornell Universities, N. Y. (See Cornell, N. Y.)

Annual debate — Juniata College, University won. (See Juniata College, p. 432.)

Zelosophic Society debate — Swarthmore College, Pa. Swarthmore won on Affirmative. Debate at Philadelphia. Question — Resolved, That Greek letter fraternities, as existing at present in undergraduate colleges, are detrimental to the best interests of the academic world.

Pittsburg, University of. Pittsburg. Non-Sectarian. F. H. Lane, Coach. Record 1912.

Triangular — University of Wooster, Ohio, and Allegheny College, Pa. (See Allegheny, p. 431.)

Swarthmore College. Swarthmore. Non-Sectarian. Philip M. Hicks, Coach. Dr. Paul M. Pearson, Mgr. Deb. Raymond T. Bye, Sec. Debate Board. Primary system. Record 1912.

Quadrangular — (See Dickinson College, p. 431.)

Annual debate — Trinity College, Durham, N. C. Debate at Swarthmore. Trinity Negative won. Question — Resolved, That all corporations doing an interstate business should be required to take out a federal charter on such terms as Congress may, by law, prescribe; constitutionality granted.

Annual debate — Zelosophic Literary Society, University of Pennsylvania. (See University of Pennsylvania, above.)

Westminster College. New Wilmington. United Presbyterian. Elbert R. Moses, Coach. Ralph Miller, Deb. Mgr. Primary system. Record 1912.

Annual debate — Bethany College, Bethany, W. Va. Debate at Bethany. Westminster Affirmative won. Question — Resolved, That the principle of the Recall should be adopted in the several states. Constitutionality waived.

Annual debate — University of Pittsburg. Debate forfeited to Westminster. Questions as stated in Bethany debate, above.

RHODE ISLAND.

Brown University. Providence. Non-Sectarian. No report. Brown debates in Triangular with Williams College, Mass., and Dartmouth College, New Hampshire.

SOUTH CAROLINA.

South Carolina, University of. Columbia. Non-Sectarian. No coach. Leonard T. Baker, Faculty Member Debating Council. J. D. Brandenburg, Sectary Debating Council. Record 1912.

Annual debate — Davidson College, N. C. Debate at Winthrop College, Rock Hill, S. C. University of So. Carolina won on the Negative. Question — Resolved, That American municipalities should own and operate their electric lighting, gas, and traction plants.

Annual debate — Trinity College, N. C. Debate at Durham, N. C. University of So. Carolina Negative won. Question — Resolved, That Congress should enact a federal incorporation law with definite terms and restrictions by compliance with which corporations doing an interstate business may take out a federal charter. Constitutionality granted and incorporation to be voluntary.

Wofford College. Spartanburg. Luth. Methodist. Record 1912. (See Davidson College, N. C.)

SOUTH DAKOTA.

Dakota Wesleyan University. Mitchell. Methodist Episcopal. George S. Dalgety, J. L. Seaton, Coaches. J. L. Seaton, Mgr. Debater chosen by coaches. Record 1912.

Triangular — Morningside College, Sioux City, Ia. and Nebraska Wesleyan, Lincoln. Dakota won both its debates, taking the Affirmative against Morningside and the Negative against Nebraska. Morningside Negative won from Nebraska. Question — Resolved, That the United States tariff should be determined by a non-partisan board of tariff experts. Constitutionality granted.

Huron College. Huron. Presbyterian. C. K. Hoyt, Coach and Mgr. Debaters chosen by coach in primary. Record 1912.

Annual debate — State College, So. Dak. Debate at Huron. Huron Negative won. Question — Resolved, That constitutionality aside,

the principle of the Recall of judges should be adopted by the several states.

Annual debate—Yankton College. Debate at Huron. Yankton Negative won. Recall of judges as stated in State College debate.

So. Dakota State College. Brookings.(?) Non-Sectarian. No report. Record 1912. (See Huron College, p. 434, and Yankton College, below.)

So. Dakota, University of. Vermillion. Non-Sectarian. Clarence E. Lyon, Coach. 411 National St. Primary system. Record 1912.

Annual debate—Creighton University, Omaha, Neb. Debate at Omaha. University of So. Dakota Affirmative won. Question—Resolved, That the principle of the Recall should apply to all judges except those of the United States Supreme Court.

Annual debate—University of No. Dakota. Debate at Vermillion, So. Dakota. University of N. Dakota won on Negative. Question Resolved, That the Recall should apply to the state judiciary.

Annual debate—Drake University, Des Moines, Ia. Debate at Des Moines. Drake Negative won. Question—Resolved, That the Recall should apply to the state judiciary.

Annual debate—Denver University. Debate at Vermillion, S. D. So. Dakota Affirmative won. Question—Resolved, That the Recall should apply to the state judiciary.

Yankton College. Yankton. Congregational. L. C. Sorrell, Coach. E. W. Bussey, Deb. Mgr. Debaters chosen by Literary Societies. Record 1912.

Annual debate—Huron College, So. Dak. Debate at Huron. Yankton won. Recall of judges. (See Huron College, p. 434.)

Annual debate—Brookings State College. Debate at Yankton. Yankton Affirmative won. Question—Resolved, That the forest and mineral lands belonging to the United States within the several states should be by the federal government.

TENNESSEE.

Chattanooga, University of. Chattanooga. Methodist Episcopal. Chas. M. Newcomb, Prof. of Orat., Coach. Debaters chosen by society and primary contest. Record 1912. No intercollegiate debates.

Knoxville College. Knoxville. United Presbyterian. Prof. Frank Hiner, Coach. Debaters chosen by coach. Record 1912.

Triangular — Atlanta Baptist College, Atlanta Ga., and Talladega College, Talladega, Ala. Knoxville won both debates. Question — Resolved, That United States Senators should be elected by direct popular vote; constitutionality conceded.

University of Tennessee. Knoxville. Non-Sectarian. Chas. B. Burke, Chr. Debating Council. Record 1912.

Pentangular — Universities of Louisiana, Mississippi, Texas, Arkansas. Tennessee met Louisiana and Mississippi, winning on the Affirmative from Mississippi and losing on the Negative to Louisiana. Question — Resolved, That the federal government should adopt a progressive income tax with a reasonable minimum of exemption as the best remedy for the existing evils of our national tax system. Constitutionality is granted and it is admitted that the existing evils of our national tax system are: regressivity, inelasticity, and complexity.

University of the South. Sewanee. Protestant Episcopal. Dr. J. M. McBride, Coach. Randolph Leigh, Deb. Mgr. Primary system. Record 1912.

Annual debate — University of Alabama. Debate at Tuscaloosa. Question — Resolved, That woman suffrage is desirable in the United States.

Vanderbilt University. Nashville. Methodist Episcopal. Prof. A. M. Harris, Coach. G. W. Follin, Secretary Debating Council. Debaters chosen by coach and Literary Societies. Record 1912.

Pentangular — Georgia, Tulane, No. Carolina and Virginia Universities. Vanderbilt met Georgia and No. Carolina. The Affirmative lost to No. Carolina and the Negative won from Georgia. Question — Resolved, That corporations doing an interstate commerce business should be chartered and regulated by a federal commission.

TEXAS.

Baylor University. Waco. Baptist. Primary system. Record 1912.

Annual debate — Wm. Jewell College, Mo. (See under Missouri.)

Annual debate — (See Wake Forest College, So. Carolina.)

Southwestern University. Georgetown. Methodist Episcopal. John Pelsma, Coach. Prof. of Public Speaking. Primary system. Record 1912. (No intercollegiate debates.) Meets Baylor, Texas Christian, and Trinity, Texas, 1913.

University of Texas. Austin. Non-Sectarian. E. D. Shurter, Deb. Mgr. Primary system. Record 1912.

Pentangular — Southern State Universities. (See Georgia.) Texas met Arkansas and Louisiana, winning on the Negative from Arkansas and losing on the Affirmative to Louisiana. Question — Resolved, That the federal government should adopt a progressive income tax.

Annual debate — University of Missouri. Debate at Columbia. Texas won on the Negative. Question — Resolved, That the state universities should grant honorary degrees in addition to the A.B. degree to students of exceptional merit.

UTAH.

Brigham Young University. Provo, Logan. Latter Day. (See Utah Agricultural College below.)

Utah Agricultural College. Logan. Non-Sectarian. George B. Hendricks, Coach. Mark H. Greene, Deb. Mgr. Debaters chosen by coach. Record 1912.

Annual debate — Brigham Young University, Utah. Two on teams. Debate at Provo. Utah Agricultural College won on Affirmative. Question — Resolved, That President Taft was justified in vetoing the Arizona statehood bill on account of the Recall of judges clause.

Annual debate — Montana Agricultural College, Bozeman. Debate at Logan. Utah won on Affirmative. Question — Resolved, That corporations doing an interstate business should be incorporated under a federal charter.

VIRGINIA.

Emory and Henry College. Emory. Methodist Episcopal South. J. S. MacDonald, Secretary Debating Council. Record 1912.

Annual debate — Randolph-Macon College, Va. Debate at Ashland. Randolph-Macon Affirmative won. Two on teams. Question —

Resolved, That in municipalities with a population of 10,000 or over there should be a tax on the rental value of land, disregarding all questions of constitutionality and waiving improvements.

Annual debate — Emory College, Oxford, Georgia. Debate at Emory, Va. Two on teams. Emory and Henry Negative won. Question as stated in Randolph-Macon debate above.

Randolph-Macon College. Ashland. Methodist. No coach. Edgar P. Nicholson, Pres. Debating Council. Debaters chosen by primaries in Literary societies. Record 1912.

Annual debate — Emory and Henry College, Va. (See immediately above.)

Triangular — Richmond College, Richmond, Va. and William and Mary College, Williamsburg, Va. Randolph-Macon won both its debates. Richmond won on the Affirmative from William and Mary at Richmond. Two on teams. Question — Resolved, That the Initiative and Referendum should be adopted in Virginia.

Richmond College. Richmond. Baptist. No coach. J. A. George, Pres. Philologist Literary Society. Debaters chosen by Literary Societies. Record 1912.

Triangular — William and Mary and Randolph-Macon colleges. (See Randolph-Macon above.)

Roanoke College. Salem. Lutheran. S. L. Hirtle, Deb. Mgr. Primary system. No debates 1912. Debate Virginia Polytechnic 1913.

University of Virginia. Charlottesville. Non-Sectarian. C. W. Paul, Coach, Adj. Prof. Public Speaking. D. H. Rodgers, Pres. Debate and Orat. Council. Primary system. Record 1912.

Pentangular — See Georgia. Virginia met Georgia and Tulane Universities, losing to Georgia on the Affirmative and winning from Tulane with the Negative. Question — Resolved, That corporations doing an interstate commerce business should be chartered and regulated by a national commission.

William and Mary College. Williamsburg. No coach in charge. W. H. Deierhoi, Deb. Mgr. Debaters chosen in Literary Society. Record 1912.

Triangular — (See Randolph-Macon, above.)

WASHINGTON.

University of Washington. Seattle. Non-Sectarian. Leo Jones, Coach. Victor Zedruick, Grad. Mgr. Primary system. Record 1912.

Triangular — See Leland Stanford and University of Oregon.

Triangular — Washington State College, Pullman and Whitman College, Walla Walla. University won both debates. State College won Affirmative from Whitman. Two on teams. Question — Resolved, That all supreme, superior, and municipal judges in the state of Washington should be subject to popular Recall. Constitutionality granted.

Annual debate — Girls — University of Oregon. Debate at Seattle. Washington won. Question — Resolved, That women should be granted the suffrage.

Law School debate — Vancouver College, Canada. Two men on teams. Question — Recall of Judges.

Washington State College. Pullman. Non-Sectarian. (See Washington University above and Whitman College below.)

Whitman College. Walla Walla. Non-Sectarian. Profs. Bratton and Davis, Coaches. Leslie Hill, Pres. Debating Council. Debaters chosen by Coaches. Record 1912.

Triangular — See Washington University above.

Annual debate — University of Idaho. Debate at Moscow, Idaho. Idaho won on Affirmative. Question — Resolved, That the United States should endorse the plan for the arbitration of international difficulties which President Taft submitted to the Senate at the last session of Congress.

Annual debate — Girls — State College, Pullman. Debate at Walla Walla. Whitman won. Question — Resolved, That immigration should be so restricted as to debar all immigrants over sixteen years of age who cannot read or write provided that this amendment shall not debar dependents upon qualified immigrants.

WEST VIRGINIA.

Bethany College. Bethany. Disciples. T. E. Cramblet. Record 1912.

Annual debate — Westminster College, Pa. Debate at Bethany.

Westminster Negative won. Question — Resolved, That the principle of the Recall should be adopted in the several states. Constitutionality waived.

West Virginia Wesleyan University. Buckhannon. Methodist. Robert S. Stauffer, Coach. Primary System. Record 1912. No report. Debates Westminster and Grove City Colleges, Pa., 1913.

WISCONSIN.

Beloit College. Beloit. Non-Sectarian. C. D. Crawford, Prof. Public Speaking, Coach. A. N. Brown, Deb. Mgr. Primary system. Literary Societies. Record 1912.

Triangular — Knox College, Ill., and Cornell College, Ia. Beloit Negative won from Cornell. Knox debate not reported. Cornell Negative won from Knox. Question — Resolved, That the Sherman Anti-Trust Act as lately interpreted by the United States Supreme Court affords adequate remedy against the evils of industrial monopoly.

Annual debate — Albion College. Debate at Beloit. Beloit Negative won. Question — Resolved, That the general opposition to the open shop policy of labor is justifiable. (Incorrectly stated. See Albion College, Mich.)

Carroll College. Waukesha. Presbyterian. Paul Johnson, Deb. Mgr. Primary system. Record 1912.

Annual debate — Northwestern College, Naperville, Ill. Naperville won on Negative. Question — Resolved, That all corporations engaged in interstate commerce should be required to take out a federal charter on such terms as Congress may, by law, prescribe. Constitutionality granted.

Annual debate — Lawrence College (Freshmen debate). Debate at Waukesha. Carroll won.

Lawrence College. Appleton. Methodist Episcopal. F. Wesley Orr, Coach. Paul Amundson, Deb. Mgr. Primary system. Record 1912.

Annual debate — Hamline University, St. Paul, Minn. Debate at Appleton. Lawrence won. Question — Resolved, That the federal government should enact a progressive inheritance tax.

Annual debate — Albion College, Albion Mich. Debate at Albion.

Albion won on the Affirmative. Question as stated in the Hamline debate immediately above.

Ripon College. Ripon. Non-Sectarian. Egbert Ray Nichols, Coach.
Fred C. Maynard, Deb. Chr. Primary system. Record 1912.
Triangular — Carleton College, Northfield, Minn. and Coe College,
Cedar Rapids, Ia. Ripon Affirmative won from Coe at Ripon and
lost to Carleton at Northfield. Question — Resolved, That the
closed shop is justifiable.

APPENDIX III

Table showing the number of times various questions were debated
1911-12. (Based on reports in Appendix II.)

Centralization of power under federal government.....	1
Central bank (including Aldrich plan).....	8
Closed shop.....	8
College degrees.....	1
Commission form of municipal government.....	2
Compulsory arbitration in labor disputes.....	4
Conservation, Alaskan and Forest and Mineral.....	2
Federal charter for corporations.....	17
Federal control of marriage and divorce.....	1
Fortification of the Panama Canal.....	4
Government ownership of railroads (see municipal).....	2
Greek letter fraternities.....	3
Immigration, educational test for restriction.....	2
Income tax, graduated and otherwise.....	10
Inheritance tax, graduated.....	6
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